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Chair

The Honourable Larry Bagnell

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● (1530)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, L...): I call the meeting to order.

Good afternoon, and welcome to the 114th meeting of the Standing Committee on Procedure and House Affairs, as we continue our study of Bill C-76, an act to amend the Canada Elections Act and other acts and to make certain consequential amendments.

We are pleased to be joined by David Moscrop, who is appearing as an individual by video conference from Seoul, South Korea, and I don't know what time it is there; Sherri Hadskey, the Commissioner of Elections, Louisiana Secretary of State, who is appearing by video conference from Baton Rouge, Louisiana; Victoria Henry, digital rights campaigner from OpenMedia Engagement Network, who is appearing by video conference from Vancouver; and Sébastien Corriveau,

[*Translation*]

leader of the Rhinoceros Party, who is also appearing by video conference from St-Donat-de-Rimouski, Quebec.

[*English*]

Thank you all for making yourselves available.

I just want to say something I'd forgotten to say. We have made the clerk's job quite interesting over this study so far, so I think we should really give our appreciation to the clerk and his huge staff for getting all these witnesses on short notice.

Some hon. members: Hear, hear!

The Chair: It's been a mammoth job, and you've done—

Mr. Blake Richards (Banff—Airdrie, CPC): I think it's 4:30 in the morning in Seoul, South Korea. I think it's 8:30 in the morning in New Zealand.

The Chair: It's 4:30 in the morning in Seoul, South Korea.

Maybe we'll have David go first.

You each have an opening statement, but David, seeing as it is 4:30 in the morning there in South Korea, you could go first.

Mr. David Moscrop (As an Individual): Thank you.

The Chair: The floor is yours. Can you hear us?

Mr. David Moscrop: Yes, I can.

Well, good morning from Seoul, South Korea, and thank you for the invitation to appear before the committee.

I just left Vancouver the other day, so I was closer to a much nicer time zone, but I am so pleased to be here. I know there is a lot to cover, so I'll get right to it.

The goals of any election legislation should be to protect the procedural integrity of how we choose our representatives during and outside the writ period, and to support a vibrant, diverse, egalitarian, and inclusive public sphere in which citizens can make informed political decisions.

With those ends in mind, I am pleased to see that this bill introduces a few measures that facilitate those goals, including stricter spending limits and regulations on third parties, as well as constraints that further constrain foreign actors. I think these measures will help level the playing field.

As others have testified, the limits are more than reasonable, although I would argue that it might be good to extend the pre-writ period covered under the legislation to perhaps as long as a year if the goal is to curb the permanent campaign.

I am also pleased that changes introduced by the Fair Elections Act are being amended or removed. The Chief Electoral Officer should be able to play an active role of promoting elections and educating citizens.

Also, because elections should be as successful as possible, I am excited and encouraged to see that vouching is reinstated, the use of a voter card as identification is brought back, and certain restrictions on limitations for voting for Canadians overseas or living abroad have been removed as well. That will free up a little bit of capacity for folks to turn out.

I think the bill is weaker when it comes to encouraging turnout vis-à-vis younger Canadians. A voluntary registry for those approaching voting age is fine, and I support that, but I think the voting age should be lowered to 16, full stop. Sixteen-year-olds have plenty of capacity, and the idea that we could get people voting younger and forming that habit earlier in life, I think, is a good one. However, if we really want to get serious about turnout I think we should think about mandatory voting.

Finally, on the weaker side, I think the privacy provisions in this bill don't go far enough. A policy for parties that they make public is fine, but when was the last time you read the terms of service on any service you signed up for? That is often inadequate. Parties should be run under stricter privacy legislation. There should be regular auditing of data and strict enforcement of privacy standards, and someone with some teeth who can do that.

I'll wrap up really quickly. Elections must be accessible and fair, but more importantly, folks must believe that they are accessible and fair. This bill takes some encouraging steps toward that end, but it could go further and probably should, especially in light of growing concerns about the sustained decline in voter turnout, as well as data rights and privacy.

Thank you.

● (1535)

The Chair: Thank you very much.

Now we'll go to Sherri Hadskey, Commissioner of Elections for Louisiana.

Ms. Sherri Hadskey (Commissioner of Elections, Louisiana Secretary of State): Hi, it's nice to be with you. I'm honoured to be able to speak with you today.

Louisiana has such a unique election system. I believe we have more elections than any state in the United States. You were speaking about voter fatigue, and that is a big problem in Louisiana. Generally we have four scheduled elections a year, but we always end up with special elections, and it's the ripple effect. A senator runs in the fall, wins a different seat, and that opens the first seat. Our legislature would like these people to be seated for each legislative session, so a special election is called, and we're looking for a better turnout for those types of elections.

We too are trying to find things to prevent voter fatigue and trying to get good turnout consistently. We have an 87% registration number, which is amazing. I'm so proud of that, but to have only 16% turnout in a [*Inaudible—Editor*] election cycle is saddening, because with the registration that we have, we would like to have the turnout match.

I'd love to be able to provide the answers to any questions you may have, and I'm just happy to be here.

The Chair: Thank you very much. We're happy you're here too.

Now we'll go on to Victoria Henry from OpenMedia Engagement Network.

Ms. Victoria Henry (Digital Rights Campaigner, Open Media Engagement Network): Hi there. Thanks so much for having me here to discuss this issue.

I'm Victoria Henry. I'm a digital rights campaigner specializing in privacy issues with OpenMedia, which is a community-based organization committed to keeping the Internet open, affordable, and free of surveillance. The revelations stemming from the Cambridge Analytica and Facebook scandal have highlighted the extent to which our privacy laws are failing to protect the privacy of ordinary people in Canada and how this can influence elections.

While Bill C-76 makes some positive steps to protect the integrity of elections and safeguard our democracy, the omission of political parties from privacy legislation is a concerning gap, and that's the issue I'd like to talk about today.

People around the world are increasingly concerned, of course, about how their personal information is gathered, used, and stored. More than 10,000 people in Canada have recently signed on to a letter asking for reform of our privacy laws. The key demand in that letter is for Canada's political parties to be subject to federal privacy laws.

The existing privacy exemptions for political parties have left many Canadians convinced that the current system is not working in our best interests. We need guarantees that our government's political interests will not take precedent over our privacy and our security.

A national online omnibus survey conducted from May 7 to May 14 of this year revealed that a large majority—72% of Canadians—supported changing the law so that political parties follow the same privacy rules as private companies. In fact, only 3% support the status quo policy of fewer restrictions for political parties. This polling also showed that support for extending PIPEDA to political parties has broad support from partisans of all stripes. I can provide the full polling results, as well as the letter from Canadians, to the committee members with my notes.

These views are supported by the Privacy Commissioner of Canada in his testimony to this committee. The commissioner stated that information about our political views is highly sensitive and therefore worthy of privacy protection. Because of this, simply asking political parties to have their own privacy policies without defining the standards that must be applied is not enough.

For example, the standards set by Bill C-76 do not include measures such as limiting collection of personal information to what is required; obtaining consent when collecting, using, or disclosing personal information; or collecting information by fair and lawful means. Because of this, the Privacy Commissioner calls for internationally recognized privacy principles, not policies defined by parties, to be included in domestic law, and for an independent third party to have the authority to verify compliance. We support this call as well as the recommended amendments put forward by the commissioner's office.

The recent scandal clearly demonstrates how weak privacy safeguards can have serious effects that go beyond the commercial realm. With federal elections due in 2019, we need to safeguard our democracy and protect against undue influence stemming from online privacy violations. Many ministers have indicated that they're willing to strengthen our privacy laws. The status quo is at odds with the wishes of most people in Canada, whose confidence in our political processes is undermined by the singling out of political parties when it comes to privacy.

On behalf of the vast majority of people in Canada who support stronger privacy rules for political parties, I'm asking you today to strengthen the protection of our democratic institutions and to make these changes now.

Thank you.

● (1540)

The Chair: Thank you very much.

Now we'll go to Sébastien Corriveau, of the Rhinoceros Party. *Bienvenu.*

An hon. member: We can't hear him.

The Chair: We can't hear you. Hold on a second.

Mr. Sébastien Corriveau (Leader, Rhinoceros Party): No, it's me. I'm stupid. I forgot my button.

Voices: Oh, oh!

The Chair: Okay. *Allons-y.*

Mr. Sébastien Corriveau: Okay. Take up your headphones. I will speak French also.

Ladies and gentlewomen, please turn on your cellphone and play Candy Crush; call your husband; reheat your dinner; text your lawyer; take a nap; take an emergency exit; close your eyes and stop listening: here comes the Dealer of the Rhinoceros Party of Canada. Hello.

Mr. Chairman, the Honourable Larry Bagnell, do you know that you used to be my member of Parliament? That was for three months in the summer of 2009, when I spent my summer in Whitehorse.

Dear committee, *merci* for welcoming me *ici* and now.

[*Translation*]

This is my first time appearing before a parliamentary committee and I think it is very appropriate to invite the leader of the Rhinoceros Party. Thank you. The members of the party and I do have good ideas at times.

[*English*]

It's always great to share them with you.

[*Translation*]

I would like to draw your attention to the public funding of political parties.

[*English*]

There is nothing about it in this bill. That was removed. The public funding of political parties was removed by the Stephen Harper government because he does not believe in corruption inside political parties.

[*Translation*]

It was Pierre Elliott Trudeau who established public funding for political parties in 1974. The purpose was to fight corruption in political parties and in the awarding of public works contracts. Abolished by Mr. Mulroney, the public funding system was reinstated by Jean Chrétien after the sponsorship scandal.

[*English*]

I would like it back.

The Prime Minister of Canada lied to Canadians when he said 2015 would be the last election with the first-past-the-post electoral system.

● (1545)

Our nation still has an archaic electoral system inherited from when Great Britain was our overlord. MPs listened to their local populations, and political parties had no party line that it was mandatory to follow.

In 2008, the Green Party of Canada received almost one million votes, yet they had no elected MPs—zero, nobody. At the same time, the Conservatives got 5.2 million votes, which is only five times more votes, and they elected 143 members of Parliament.

You call Canada a democracy? How cute. Five members of Parliament were elected with less than 30% of the vote, 69 members of Parliament were elected with less than 40% of the vote, and, 60% of the members of Parliament—206 MPs—were elected with less than 50% of the votes in their ridings.

Bill C-76 is off the track: you forgot to talk about what really matters in our democracy.

I agree that we have to make sure no interest groups will buy advertisements right before the election. You are right when you say that no other countries should interfere in our electoral process—except Russia: I would like money from Russia.

You can't tell me that you lack time to implement an electoral reform that is right—and right now.

[*Translation*]

I know that is not true, however. You have decided to set aside this change. When the time came, you decided not to go ahead with it. It is the same as with climate change: one day we will wake up and it will be too late.

[*English*]

I know that the only thing I can really change today by coming here is the public funding of political parties. Let me end with that.

[*Translation*]

In the report of the Special Committee on Electoral Report tabled in December 2016, entitled "Strengthening Democracy in Canada: Principles, Process and Public Engagement for Electoral Reform", the committee recommended in chapter 7, section G — *g* like government — that the per-vote subsidy and funding of political parties be reinstated.

It had been eliminated in 2015.

That same report states that: " [...] the current system of individual donations to political parties is less equal, as donations vary greatly between Canadians of different socio-economic levels."

Public funding makes Canadians feel that their vote counts.

Appearing before the committee, Ms. Melanee Thomas stated:

> [...] internationally, most countries do have some form of public financing. It's broadly seen to be a good thing, because the political party is a key institution linking representative institutions and the voting public.

Jean-Pierre Kingsley, the former chief electoral officer of Canada, recommends that it be reinstated.

Thank you.

[*English*]

The Chair: Thank you very much.

Thank you, everyone, for being here and for your wise counsel.

We'll start the round of questioning with Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Mr. Chair, they say that one of the best things you can do is to always be transparent, and I always strive for transparency. *Mea culpa* to all my colleagues. I'd just like to put my cards on the table: from 1989 to 1991, I was one of the chief organizers for the Rhinoceros Party of Canada.

Mr. Blake Richards: Floor-crosser.

Voices: Oh, oh!

Mr. Scott Simms: Actually, if you recall, under the old guard Rhinoceros, 1990 was their last election, under Bryan Gold, if our guest can remember that, but probably not. He's a bit young. I ran that campaign. We came last, by the way. I've since crossed the floor, and things have been better since then.

That being said, Mr. Corriveau, you talked about many things, but can we go to Bill C-76 for just one moment? You believe in the limitations that we're putting on for third parties to get involved. By how many rubles would limitations be in your world?

Mr. Sébastien Corriveau: How many rubles?

Mr. Scott Simms: Yes. You mentioned that you'd like to get Russian money. I just thought I'd....

Mr. Sébastien Corriveau: Oh, yes. Well, maybe in Bitcoin, because it may be harder for Elections Canada to track.

Mr. Scott Simms: There you go. All right.

It's good to see you again, by the way. It's good to see the old gang.

I want to turn my questions now to the State of Louisiana and to you, Ms. Hadskey. You've been involved in elections for some time. I understand that you have a pre-register list for people below the age of 18. Is that correct?

● (1550)

Ms. Sherri Hadskey: That's correct.

Mr. Scott Simms: Do you care to comment on the success—or not—of that particular program?

Ms. Sherri Hadskey: It's fairly new. It has been successful. In terms of the people who register, if they're 17 years old and they're going to turn 18 prior to the election, they are allowed to vote. The students seem to really like that.

The other thing we have is that we allow them to work as a commissioner at the age of 17 if they want to learn about the election process and get involved. Especially when certain schools offer credit hours for time served as an elections commissioner in learning the process, it's really a great thing.

The earlier you can get people involved, the better. In our state, the younger generation does not turn out nearly as much as the older generation. We really push hard to get the younger generation out to vote. It's difficult.

Mr. Scott Simms: Does the state elections commission provide a campaign how younger people can be involved and register? Do you have a marketing plan?

Ms. Sherri Hadskey: We do. In the State of Louisiana there are 64 parishes. Each parish's clerk of court offers training. We have an outreach program that goes into schools.

The great thing, and my favourite part, which I've done since I was 19 years old—I've been in elections since I was 19, and I'm 53, by the way, so that makes it a long time—is a program through which our voting equipment is allowed to be used in all the schools if they request it. We go in and conduct their homecoming queen election or their whatever type of election. They get hands-on time with the voting equipment.

While we're there, we go over registration information with them. We cover just what you're talking about: the fact that you can register earlier than 18 years of age and things like that. It really does help.

Mr. Scott Simms: I congratulate you on your proactivity. That sounds really good.

On that issue again, I should say that this is new for us, as it is relatively new for you. Are there any problems you're having that we should be aware of if we're implementing this particular program?

Ms. Sherri Hadskey: I can't think of one problem that we've had. I really can't. It's been a great tool in helping people to get out there, register, be involved, and turn out to vote. Anything we can do to try to help with that is a great thing.

Mr. Scott Simms: Thank you so much.

As you know, in our legislation that we're proposing here, we are looking at stricter conditions for third party influence. I have more of a general question on American politics. We're used to seeing American television and seeing a lot of involvement from third parties, or "super PACs", political action committees; I think that's the common term. Do you in your state do anything to curb the influence of third parties? Is there any type of legislation that you have in place?

Ms. Sherri Hadskey: I don't know if you know, but we don't have party primaries. Did you know that? In Louisiana, everyone qualifies, no matter what party they are in, and then we have a primary election and a general election. It's not, I don't think, as in—

Mr. Scott Simms: That's right. You have a runoff. Is that correct? You have two elections in case...right?

Ms. Sherri Hadskey: That's right. Whoever wants to qualify for the primary does qualify. We run our election, and the top two people there go into the general one.

Mr. Scott Simms: The top two do. Okay, and certainly there are no low limitations on involvement of third parties or anything else.

How about the parties themselves? Are there any limitations within what we call a "writ period"? At the time when the election is drawing near, do you have any type of limitations for donations to individual candidates?

● (1555)

Ms. Sherri Hadskey: In Louisiana, we have a separate division—it's not part of my department—with regard to campaign finance. It's called the Office of Campaign Finance. That is how all of the rules and guidelines are provided to each candidate when they qualify in the state, and they have to abide by all of those rules and guidelines.

Mr. Scott Simms: Thank you very much to all of you.

The Chair: Thank you.

Now we'll go on to Mr. Richards.

Mr. Blake Richards: Thank you, Mr. Chair.

The Chair: Are you anxious to question some of your witnesses?

Mr. Blake Richards: Yes.

Mr. Simms was able to save me a bit of time, Ms. Hadskey, because he asked some of the questions that I wanted to ask in regard to your pre-18 voter registration, but I still have a couple of questions on that, so I'll start there.

At what age do you start collecting those? Is there a certain age at which they qualify to be on that list?

Ms. Sherri Hadskey: Yes. It's 16.

Mr. Blake Richards: It's 16. Okay. It's voluntary? In other words, would it be because the young person has asked to be on the list? How does that work?

Ms. Sherri Hadskey: It's if they would like to be. Let's say your parent went in to register, you went with them, and you wanted to be put on the list. You'd fill out your information with the office of the registrar of voters. Each parish has a registrar of voters.

Mr. Blake Richards: It sounds as though maybe there was parental involvement or parental consent involved in that, or is it just a young person signing up?

Ms. Sherri Hadskey: It's just the young person signing up. You don't need to have a parent or guardian with you.

Mr. Blake Richards: What's done to ensure the privacy of that information? Is it provided to political parties at all?

Ms. Sherri Hadskey: No. They're not added to our.... We have a system called the ERIN system. It's our voter registration system. You're not added to the ERIN system until the date when you are actually eligible to vote. In terms of documentation, if somebody asks for a commercial list of voters that they can send flyers to, or that they pay for or something like that, your name is never provided if you're under the age of 18.

Mr. Blake Richards: How long has this been in existence?

Ms. Sherri Hadskey: I think it's only been for two years. I'd have to get back to you.

Mr. Blake Richards: It's been roughly two years. Have you had any issues at all? There's been an election during that time, right? There would have been at least one election during that time.

Ms. Sherri Hadskey: Sure. To our knowledge, we haven't had any problems or issues. There's been nothing like that.

Mr. Blake Richards: It's almost like you read my mind. That's exactly what I was wondering: whether you had any kind of problem with the data being accidentally leaked before it should have been and added to the other part of the list.

Ms. Sherri Hadskey: No, because if they're not added into the ERIN system for that, then they can't possibly be.... They couldn't even accidentally do it. It's a completely separate registration.

Mr. Blake Richards: Okay. Thank you.

Next I'll go to Ms. Henry, from the OpenMedia Engagement Network.

I first have a couple of background questions about your organization. Where do you get your funding? Is it from donations, individual donations? What's your source of funding?

Ms. Victoria Henry: The majority of our funding comes from individual donations from Canadians. When we do seek out or accept donations outside of that, it's for projects specifically in other countries, or where there's a cross-border issue, for example, such as our campaign around border privacy or privacy of digital devices crossing the border from one country to another.

Mr. Blake Richards: Understood. I's largely individual Canadians, then. Would they give small amounts, typically, or make larger donations?

Ms. Victoria Henry: We receive some project funding from foundations and so on, but unfortunately most of our donations are quite small. We're always looking to get bigger ones.

Mr. Blake Richards: Well, that's not atypical for most organizations, including us as political parties. You just have to find a lot of small ones, right?

I think you mentioned that when you do some work in other countries, there may be some foreign funds for those types of activities. Is that what you were saying?

Ms. Victoria Henry: It's for projects specific to that country—for example, work that we might be doing in the EU.

Mr. Blake Richards: You were registered as a third party in the last election, so that money was not utilized for those purposes? Was it strictly for these other purposes?

Ms. Victoria Henry: Exactly.

Mr. Blake Richards: Okay.

You did spend, I think, $18,000 on advertising in the last election. Can you tell me what those ads would have consisted of? What type of advertising would that have been, and what type of messaging?

● (1600)

Ms. Victoria Henry: I'll have to give you that information later. It's not my area of expertise.

Mr. Blake Richards: Would you mind providing that to the committee? Perhaps you could give us some indication of what it was spent on and the types of messaging.

Ms. Victoria Henry: No problem.

Mr. Blake Richards: Thank you.

This may not be your area, but I'll ask you because it is part of this bill. There are changes regarding third party funding. What are your thoughts on that? Particularly, should we go further to discourage or prevent the use of foreign funding through third parties in our elections?

Ms. Victoria Henry: More can always be done. Whether it happens through this process or through another is another good question. One of the things we've been working on as an organization, alongside many other civil society organizations and privacy experts, is reforms to privacy laws themselves. For example, with PIPEDA we have a lack of enforcement ability. Let's say there is a corporation or company that is not obeying those privacy laws; the Privacy Commissioner lacks the ability to issue fines or force compliance with them.

We could be looking at many other ways to give more teeth to our laws in order to prevent third party or foreign influence.

Mr. Blake Richards: Let me just ask you this, quite simply: do you believe we should not allow any foreign funding to be part of our elections?

Ms. Victoria Henry: I think there will always be issues, such as the issues we deal with, that cross borders. I'm not an expert in this area. I'm here mainly to represent the views of ordinary people in Canada. Obviously, it's a big area of concern for them. As to where that line in the sand would be drawn, I couldn't quite answer you now.

Mr. Blake Richards: Thank you.

To my friend Mr. Corriveau from the Rhinoceros Party, I can't say I was ever an organizer for your party like my friend across the way, but there were probably a couple of elections where certainly, if there had been a candidate on the ballot, I might have considered voting for you.

A voice: There you go.

Mr. Blake Richards: Just out of curiosity, you mentioned in your opening that you are the leader and also the "dealer" of the Rhinoceros Party. What the heck does that mean?

Mr. Sébastien Corriveau: For Elections Canada, I am the leader of the party, but honestly I'm more like a dealer of the party. I think more leaders of political parties in Ottawa should act like dealers.

You know, last week I was not thrown out of my party, so.... I think it's a good way to be.

Mr. Blake Richards: All right. Thank you.

The Chair: Thank you very much.

[*Translation*]

Mr. Cullen, you have the floor.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

[*English*]

Very quickly, Mr. Corriveau, I have to say that of the policies you folks put forward in a previous iteration, one of my favourites—maybe it was Mr. Simms' brainchild—was to run a waterslide from the top of the Rockies to Toronto and have free admission for every Canadian.

You should note that the Liberals have an Infrastructure Bank—

Voices: Oh, oh!

Mr. Nathan Cullen: —and we should never say never. They just bought a really old pipeline, so who knows? Anything is possible.

Ms. Hadskey, a few of us as parliamentarians were able to participate as observers in your last federal election. A few of us visited Baton Rouge. I'd like to say, first, "Go,Tigers", and second, if you registered people at the football game, between yourselves and Alabama you probably would have boosted your numbers even further.

What is the youth participation rate like in Louisiana? I may have missed this, and if so I apologize. I'm wondering about the 18-to-25 age group, or however you categorize the youth vote in Louisiana.

Ms. Sherri Hadskey: The youth vote is much lower. I mean, it's drastically lower. I would say that overall our youth vote is probably around 20%. It's really rough. We try, try, try to get people to go out and vote, and it's difficult.

For clarification, the law for the people who are 16 was passed in our 2015 legislative session, so it's been active for three years.

Mr. Nathan Cullen: It would be helpful to the committee, if there is anyone who's preceded you in this, to know whether there's been any empirical evidence of increased turnout. There are many factors as to why people do and don't vote. We had a significant youth bump in our last election despite—actually, I would argue—some of the changes that have been made. There are many factors, but it would be good if there were any empirical evidence connecting something like a registry to people coming out to vote at a younger age.

● (1605)

Ms. Sherri Hadskey: Do you mean for registration, the 16—

Mr. Nathan Cullen: That's the early voter registration, and then correlating that to turnout as the young person enters the voting age and years beyond.

Ms. Sherri Hadskey: We may be able to track that. I could look at that for you.

An idea would be to ask, actually, the person who was the commissioner prior to me. I took office in August of last year, but I've been in elections since in 1986. I asked the person who was in place before me whether she knew of any types of questions, problems, concerns, or anything like that. She said the only thing she would stress would be that if the person did register at 16, and then they were going to turn 18, we have a 30-day close of books, so if they were going to turn 18 in the middle of early voting or something like that, you would need to address that with your registrar of electors to allow them to vote, making certain that they understood.

Mr. Nathan Cullen: Okay, that's good. That's very helpful.

Mr. Moscrop, I want to turn to you for a moment. I apologize. I came late to committee today and I missed your presentation, but I will see it later.

I want a perspective from you. We're going to have Facebook and Twitter in a little bit later. I was reading your dissertation summary, and I don't understand it because it's far too sophisticated for me: "Can we be autonomous deliberative citizens? Towards answering that question I examine the ways non-consciously processed stimuli and a-rational cognitive processes affect citizen deliberation in liberal democracies." Yes, it's obvious to everybody else except me.

My question to you, Mr. Moscrop, is do you think there is some obligation on the part of the social media agents, the companies—particularly Facebook, Instagram, and Twitter—in terms of who pays for the ads and the actual content being displayed, the way there is for traditional media?

Mr. David Moscrop: Yes.

Part of the issue is that the speed, reach, and volume of advertising material and all kinds of other materials are such that you can start to microtarget. You can start to A/B test at a mass level. You basically have all the tools you need to manipulate people, really quite easily, and it's perfectly legal to do so. It's seen as just advertising, but with a certain amount of volume and with a certain amount of sophistication, it becomes very easy to effectively manipulate people by tailoring specific ads and—

Mr. Nathan Cullen: I apologize. Could the same thing be said of political parties, then, which also collect a large amount of data and increasingly are using microtargeting as an approach, in a benevolent way, to influence voters interested in certain issues?

There is also the propensity, in a more malicious way, to subvert certain voters, suppress certain voters, target them with messages that turn them away from issues that they might be more interested in. Do political parties have a responsibility in terms of the management of our own data?

Mr. David Moscrop: They do, very much so. I'm actually quite concerned about that. Part of the issue is that if voter turnout is low and you have this digital media capacity, then all of a sudden microtargeting becomes even more powerful.

You mentioned voter suppression. If our elections become about just how we're going to balance our mobilization and suppression tactics to try to get the right people out and the wrong people to stay home, which you could try to do with digital media—you know, through misleading statements, for instance, or the spread of misinformation or disinformation—then all of a sudden you have an awful lot of power at your fingertips. It's easier to use and it's cheaper to use.

I think that part of the issue is that there are different advertising rates for social media versus, say, for broadcast or print. That's a serious issue that also needs to be considered. Part of what you get to do with social media, digital media, is leverage cheap cost and quite an extensive reach to try to move voters one way or the other.

I'll make a quick distinction. We talk about persuasion versus manipulation. There's a big debate on what the difference is. I say that manipulation is that if you knew better, you would be upset or you would make a different decision. That's manipulation. There's a deliberate attempt to either mislead or misdirect you. If you'd known better, and if you'd been more rational—I'd say rational and autonomous—you'd make a different decision.

This is the scary thing: it's very easy to leverage digital media to try to manipulate people.

● (1610)

Mr. Nathan Cullen: Okay. Thank you very much for that.

The Chair: Thank you very much.

I'll welcome Ms. Romanado to the committee, and it's your turn to ask some questions.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.): Thank you so much. I was on the Special Committee on Electoral Reform with some of my colleagues here today, so it's a treat to be back together again.

An hon. member: We're going on the road.

Ms. Sherry Romanado: We're going on the road, 2.0.

My first question is for Ms. Hadskey. You mentioned in your testimony that you have four elections every year in addition to special elections, and that you're having a problem with voter fatigue and voter turnout.

My colleague Mr. Cullen talked a little about the participation rate for 18- to 25-year-olds, and you mentioned 20%. What is the participation rate in general in your elections? Are we talking above 50%? What are we talking about in terms of voter turnout?

Ms. Sherri Hadskey: For a presidential or gubernatorial, we'll have between 40% and 60%, or something like that, depending on what's on the ballot. In general, with the spring election cycle.... This past spring we had a 12% turnout. It was very low. That is propositions, municipals, and things like that. For this fall's congressional election, we expect a heavier turnout. We expect it to be somewhere between 50% and 60%.

It's important to point out that Louisiana has a four-year cycle. You have the presidential, the gubernatorial, the congressional, and then you have a down year. Last year, 2017, was our down year. When I'm trying to look at all of the statistics, I always have to keep that in my thought process on the whole.

I'm sure you'll all agree with me that some of our heaviest turnout has a lot to do with who is running in the race and how well they are known and things like that. I do see an upside to that when you're looking at statistics.

Mrs. Sherry Romanado: In terms of your outreach program, I love the idea of using the technology in schools, for voting for your prom queen and so on, to familiarize youth with the process.

What efforts are you making in terms of outreach for voters who are not in that 18-to-24, 16-to-18 category? I don't know what the population is in the state of Louisiana, but unless there's a huge boom of youth, I'm assuming you have a big voter pool of people who are above the age of 25 and not coming out to vote for whatever reason. What outreach efforts are you making to increase that voter turnout?

Ms. Sherri Hadskey: I'm the elections commissioner, but I'd love to be the outreach director. That's one of my favourite things.

A little while ago, we started doing union elections, a state police election, or anything that is what we call a private election to get people to use the equipment. While you're there doing these services, you can also provide voter registration information and other information. It's a good way to allow people to see the equipment and remember about voting.

We have a GeauxVote app that we're very proud of. It's an app on your phone, and there are push notifications on it reminding you that an election day is coming up. That has had great, great response. We love it. You can go on there, look at where you're registered to vote, and check to make sure your polling place is at the right location. You can get a sample ballot on that app, and you can review it before you go to the polls.

We truly have an incredible outreach department. We do a voter registration week and an outreach week, when we try to get more people involved in that direction. Of course, when you look at.... I've turned machines over three times in this state, meaning new equipment. It's critical to get out there and get people to use and feel comfortable with the machines and that type of thing. We're doing everything we can.

● (1615)

Mrs. Sherry Romanado: Thank you.

My next question, if I have a few seconds left, is for Mr. Moscrop.

You talked a little bit about fake news and digital threats. I sit on the Standing Committee for National Defence, and we've done some interesting studies on hybrid warfare, fake news, Russia's attempts to infiltrate with fake news in Crimea in the Ukraine, and a lot of the misinformation campaigns that you're referring to. We've heard recently in the news here in Canada the likelihood of misinformation campaigns occurring in the next federal election.

Do you feel that Bill C-76 adequately prepares us for this new reality that we are facing? As you said, this generation wants news quickly. My own mother will call me up and say she that saw something on Facebook and that it must be true.

What do we do? People want information. They want it quickly. They're looking at sources online that maybe can't be verified, so what can we be doing, and does this piece of legislation move far enough in that regard?

Mr. David Moscrop: I try to be an optimist. It is 5:16 in the morning here in Seoul, so it's particularly difficult.

The problem at a global level is epistemic. There's just a ton of information, and it's moving very quickly. We have evolved for a very different sort of environment from an environment in which information is flying at us from all over the place all the time and we can't process it or reflect on it.

On top of that, this being a partisan-charged environment where people have incentives to use that information to try to mislead, the troubles are going to be extremely difficult and increasingly difficult, especially as the technology gets better. We're now seeing deep fakes, the ability to fake video. It's very convincing and very terrifying, as far as I'm concerned. That's going to be a global problem that's going to be difficult to deal with.

To the extent that [*Technical difficulty—Editor*] deals with this, it's going to be through limiting money and through limiting foreign activity. The way to choke it off to the extent that it's possible is to try to get to the source of what's driving it, and that's often money. Keep in mind that a lot of this is being driven by profit. Some of it's driven by political ends or ideological ends, but a lot of it is just profit. We all know that the Macedonian teens in the U.S. election ran fake news websites from their basements because it paid better than anything else, but for a long time they were doing it on both sides. They started to switch and did more for the right-wing Republicans because the money was better. It was about the money.

I think the thing we can do in the here and now is figure out the broader epistemic concerns about how we train better citizens and how we produce capacity for digital media and trusted sources. How we protect the news environment so that we have trusted sources in new and traditional media is to find a way to limit the money, and this is a good start, but there is a bigger issue, as I've just indicated, which is how we protect the news media so that people have a reliable source and a gatekeeper. That is a discussion we need to have as well.

Mrs. Sherry Romanado: Thank you very much.

The Chair: Now we'll go on to Mr. Reid. You have five minutes.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you very much.

I'll start with Mr. Moscrop.

When I see discussions of fake news as a new thing, my reaction tends to be that fake news seems really old to me. It was, after all, 1898 when William Randolph Hearst was able to convince Americans they should go to war with Spain by arguing that the USS *Maine* had blown up in Havana harbour thanks to Spanish sabotage. The Onion has been milking that story for a long time.

It seems to me that the difference today, speaking epidemiologically, is that it's easier to get a meme out there, and also the falsification occurs more quickly. It seems to me that fake news is more virulent now than it was in 1898, but also the realization that it's fake occurs more quickly, causing us to be hyperaware of the fact that it's out there.

Obviously that changes the environment, but I'm not sure how it changes the policy response. Can I ask for some commentary on that, given that we are trying to develop policy to deal with this more virulent and more rapidly disproved fake news?

Mr. David Moscrop: Yes, you're right. Propaganda and misleading information have been around as long as politics has been around. The difference is the speed, the reach, the volume, and the ease at which it can deployed. That's unprecedented.

When we talk about these hacks, the thing that's being hacked is the human brain, for the most part. People are trying to capture the human brain and direct it.

How do we provide people with more reliable information that they can trust? Part of that is structurally protecting media. That's not just legacy media; it's also making sure there's space for new media, that people have these trusted sources they can go to and know they are legitimate. That part involves some degree of transparency, so that when something is posted online, there's some very easy indication that it's trustworthy or verified.

We discussed this a little in a project I'm working on: red, yellow, or green on a story. The problem—and I don't have an immediate answer to this—is who does the verifications? This is the broader epistemic problem. If part of the issue is that we need stuff we can trust, who decides what's trustworthy? That used to be the news media, and they were the gatekeepers. Now that's all fallen apart. To some extent that's good news, because you want the stuff democratized, but we just haven't figured out what an alternative model would look like. The best structural answer I have is we need to protect the media.

In microanswers, you might want to at least have a discussion about how social media posts that can be controlled by Facebook, Twitter, or whomever could bear some sort of marking or system to identify them as trustworthy.

● (1620)

Mr. Scott Reid: I think to some degree elections are typically determined not by the best-informed voters, who as a rule are also the ones who are most firmly committed to one or another of the camps. They've thought things through and they have recognized that they are a principled Conservative, a socialist, or whatever it happens to be, and therefore they have a home. Those are low-involvement voters.

It strikes me that those who are intensely involved voters essentially look to certain people to curate the news. They have the editorialists they trust. They have ways of filtering things.

This is the greatest issue for the low-involvement people. The difference is that the low-involvement or the low-awareness people then make decisions that ultimately decide whether party X or party Y winds up winning the election.

Would you agree that those are the people about whom we need be the most concerned? That said, do you have any ideas on how to deal with that? It seems they're the hardest people to reach with the inoculation, essentially.

Mr. David Moscrop: Yes. I would go back to heuristics. It doesn't matter how educated, sophisticated, or experienced we are; every one of us uses mental shortcuts to make political decisions.

Some research from the United States from a few years ago suggests that when it comes to, say, motivated reasoning and rationalization, we think we're making our own rational decisions, but we're really rationalizing. Low-information voters do it, but sophisticated voters sometimes do it as well. The difference is that they do it with ideology and a more sophisticated story. It is a problem that cuts across groups, although you are right that there is more susceptibility with lower-information voters.

What's interesting is that those folks often rely on their family or friends to get political signals. One of the interesting things about Facebook and Twitter is that people are getting a lot of information, but the stuff that seems to be having a huge impact is that their Uncle Larry posted this thing, and they trust and like him. He's a lot like them, so they're going to do this. Then a lot of those heuristics have moved to family and friends, especially on Facebook.

How do we start a virtuous cycle or a positive cycle in which the stuff people share is informed? When we talk about this stuff, we think of it as a demand and supply problem. There's a demand for nonsense and good information. There's a supply of nonsense and good information. How do we encourage the supply and demand to link up and for that information to be better?

Part of it is making sure the environment is filled on the supply side. We're going to supply-side epistemic economics here. The supply side is good stuff. You want as much good reliable information as you can get on the supply side to try to drown out and provide choice for those who want something better than fake news, misleading news, or tabloid trash.

Mr. Scott Reid: Thank you.

The Chair: Thank you very much.

We'll finish up with Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thank you, Mr. Chair.

Thank you to each of you for your time and testimony today.

Ms. Hadskey, I sense your passion for outreach, and for me youth engagement and involvement are very important. I'm pleased that this legislation has a number of initiatives. The education mandate has been brought back to the Chief Electoral Officer, so that's important. Then we've talked a little about early registration of voters.

Because you have some experience in this, I'd like to tap into your expertise, and that may help us moving forward. I was interested to hear you talk about bringing the equipment into the schools and having elections take place in the schools using the equipment. Am I understanding that the technology is grabbing the students? How does that transfer to getting youth more involved in the actual voting that takes place outside the school?

● (1625)

Ms. Sherri Hadskey: It's very interesting. I have actually done so many of these elections. In a presidential year especially, the kids hear their parents and everybody talking about the election, and they feel as if they are a part of it when they're not voting for just something to do with their school or something to do with their class and putting a piece of paper in a box. They feel that they are allowed to do something that only 18-year-olds can do. Their faces lights up when they get to do something that they feel is a privilege or is something interesting. When we bring the machines in and they are actually looking at their name or the school name or the school colours, it's just really intriguing to them.

When we're dealing with high schools, most of the senior classes automatically, right then and there, start filling out registration cards. If they haven't done it already, they're going to grab these cards right there in the schools.

In Louisiana we also have, in the month of January, a special private election called the Louisiana Young Readers' Choice Election. The libraries have a state-wide program through which they let the kids pick the books they like the best, and they all participate. At the end, they have all of the results. They get to see the results tapes. It's uniquely getting children and young adults involved in the elections process before they turn 18. It really is a good thing.

I believe that the turnout we get.... Now, we also do private elections in universities, so if the university has its student president election or something like that, we will offer our services for those elections as well.

We're a top-down system, meaning we program our own voting machines and we work on our own voting machines, so programming the elections is not a problem. If it is for an educational purpose, there is no charge. There is no service fee, nothing. We do this to help the state get out there and get people to vote.

I really do believe it's a great program.

Ms. Filomena Tassi: Yes, it sounds fantastic.

With respect to the schools it's offered to, you just offer the service, and then does the school call you and that's how the participation happens?

Ms. Sherri Hadskey: The registrars and clerks in each parish of the State of Louisiana are very well aware of this service. Sometimes the entities get in contact with the registrar or clerk of court, or sometimes they'll call us directly. It's on our website. We list it on our website, and then if you would like a private election or if you would like to conduct election visits, this is who you contact. We get the information and provide all of the machines.

We keep a lot of information back—how many people we registered while we were there, or how many people actually touched the voting machines—and we turn that over to the legislature every year, showing how many people we touched to [*Inaudible—Editor*].

Ms. Filomena Tassi: What is the percentage? What would you say is the percentage of students who participate in the vote and then follow up with the registration? Can you guess? Is it 50%? Is it 80%?

Ms. Sherri Hadskey: I would say that with the high schools, at the end of the election, that's a big part of it. Everybody sits down at the table and fills out their voter registration card, so I do believe that it's a huge influence with the high schools.

For the younger kids, they know when January comes around that they're going to get to vote. The reason I know this from both sides of the fence is that my sons both attended a school where they allowed the voting machines to come in, and they were really excited and proud about it and they talked about it in the weeks leading up.

I believe they do get a large number of registrations as a result of this program.

● (1630)

Ms. Filomena Tassi: Okay. Thank you very much.

The Chair: Thank you all, David Moscrop, Sébastien Corriveau, Sherri Hadskey, and Victoria Henry. It was a very enlightening panel. It was great. Thank you very much for taking the time out to help our committee work.

We'll suspend while we change witnesses.

● (1630)

(Pause)

● (1635)

The Vice-Chair (Mr. Blake Richards): I call the meeting back to order.

We have our next panel here. It's my understanding we are having a little technical difficulty with the individual we have appearing from New Zealand, but we're going to work on that. In the meantime, we will introduce our other witnesses and let them have their opening remarks.

In fact, maybe we have a couple witnesses by video conference. At least at this point, we have in front of us, from the Public Service Alliance of Canada, Chris Aylward and Morna Ballantyne. We will start with you.

We have our other witnesses planned, all by video conference: Leonid Sirota from Auckland University of Technology, New Zealand; Pippa Norris of Harvard, who is appearing from Massachusetts; and Angela Nagy, the former CEO of the Kelowna—Lake Country Green Party of Canada, who is appearing from beautiful Kelowna, British Columbia.

We will start with those we have in person, and then we will go from there.

Public Service Alliance of Canada, I'm not sure who's giving your opening remarks, but we will turn it over to you and let you sort that out.

Mr. Chris Aylward (National President, Public Service Alliance of Canada): Thank you, Chair, and thank you to the committee for allowing us to appear today.

The Public Service Alliance of Canada represents 180,000 members. We are the largest union in the federal public service.

Bill C-76 proposes extensive changes that have a significant impact on our democratic process. We strongly support the amendments in the bill that will remove barriers to voting and make it more accessible.

My comments will focus on changes related to third parties.

Our usual election activity is to inform our members about issues and encourage them to exercise their political rights and to vote. We do this by communicating with them in a number of ways, including advertising. During the last federal election and in a number of previous elections, the Public Service Alliance of Canada registered as a third party.

Bill C-76 has not changed the definition of third party election advertising; however, the definition curtails our right to represent our members' interests during an election period. Messages we transmit that can be received or seen by the public, such as information posted on bulletin boards or included in flyers, are considered to be election advertising if they take a position on an issue that a registered party or candidate is associated with or if the message opposes a registered party.

I challenge you to think of an issue that affects Canadians and our members that cannot be associated with a party, leader, or candidate at some time or another. The vast majority of our members are employed by the federal government and by federal agencies controlled or regulated by the government, and we take on issues associated with registered parties on an ongoing basis. It is our role and responsibility to advance their interests and concerns, and our right to do so has been upheld by the courts.

The existing restrictions on third party advertising, the proposed changes to the election period, and the introduction of new pre-election periods deny our legitimate advocacy role. This is particularly crucial when governments attempt to prevent our members from speaking out on issues and to restrict their political rights and activities because they are government employees.

During the last federal election period, we were in the middle of bargaining with Treasury Board for approximately 100,000 members. When we demonstrated against the government's proposals, Elections Canada advised us that the messages on our picket signs and banners might be considered election advertising under the Elections Act. They were seen as transmitting a message to the public during an election period that could be seen as opposing a registered party or speaking out on an issue associated with a registered party—in this case, the previous governing party.

Bill C-76 proposes to extend similar although not identical restrictions during a new pre-election period. The difference is that advertising during the pre-election period excludes messages that take a position on an issue associated with political parties and their candidates or leaders; however, the restrictions could still be interpreted to put limits on what we can say publicly about positions being taken by our government employers.

I refer you to the landmark 1991 Supreme Court case of Lavigne and the Ontario Public Service Employees Union. In that decision, the court affirmed the interconnected nature of political activity and union interests, or democratic unionism. The court said that many political activities, "be they concerned with the environment, tax policy, day-care or feminism, can be construed as related to the larger environment in which unions must represent their members". Note that the court said "must represent their members" in this "larger environment".

We are also concerned about the unnecessary burden the proposed legislation would put on unions to track and report all advertising expenses between elections. PSAC is a large organization, with 15 relatively autonomous components and over 1,000 locals; however, the third party provision treats us as a single entity. We would now be required to monitor all those parts in order to report expenses related to messages to the public amounting to $10,000 or more between an election and the pre-election period.

● (1640)

In conclusion, we ask the committee to review the proposed sections on third party advertising very carefully before proceeding with the bill so as not to affect the legitimate rights of unions to speak out on behalf of their members. We also ask you to consider splitting the bill and moving quickly to deal with the sections where there is general agreement and support, such as the sections that were originally contained in Bill C-33, and spend more time assessing the changes proposed by Bill C-76 before making other adjustments to the federal elections process.

Thank you for your time.

The Vice-Chair (Mr. Blake Richards): Thank you very much.

We'll go next to Ms. Norris, a professor of government relations and laureate fellow from the University of Sydney, and a lecturer in comparative politics at Harvard.

We'll turn to you, Ms. Norris.

Dr. Pippa Norris (Professor of Government Relations and Laureate Fellow, University of Sydney, McGuire Lecturer in Comparative Politics, Harvard, Director of the Electoral Integrity Project, As an Individual): Thank you very much, Mr. Chairman. Thank you for the invitation.

First, I very much welcome the legislation. I think trying to modernize electoral administration, expand participation, and regulate third parties is really critical for any sort of electoral integrity. I speak also with my hat on as the director of the electoral integrity project.

The things that are proposed—for example, allowing child care expenses, expanding access for voters with disabilities, modernizing the processes, and in particular restricting foreign influence—are all very positive steps. That being said, I'd like to make three points, essentially about things that could potentially be strengthened or that aren't necessarily highlighted in this bill.

First, of course, is the legal framework. There's no reference to major forms of electoral reform, including things like the mixed member proportional system, which is under discussion in the referendum in British Columbia. Of course, there's no reference at all to legal gender quotas, although currently Canada has a quarter of the Parliament female, which is about average worldwide. New Zealand has 38%, the U.K. has 30%, and so on. Those are two issues that I think are still on the agenda and that need to be addressed.

The second issue is about cybersecurity threats. I do think this helps by, in particular, trying to eliminate foreign influences and making campaign spending more transparent on advertising, but when we look at what has been revealed by the Department of Homeland Security in the United States, we find that this bill doesn't address some of the key issues that are real threats to every western democracy, including Germany, France, the U.K., and Canada. In the United States, for example, the cybersecurity of official records, including, for example, the electoral register, was targeted in 21 states. In five states, Russian hackers are reported to have actually gotten in, looked around, and downloaded files. All we need is that sort of cybersecurity breach in even one or two computers in Elections Canada, or in any of the provinces, and immediately the credibility and legitimacy of the election comes into question, and you end up with great disputes. Maybe the Communications Security Establishment is already doing a tremendous job of looking into this, but perhaps some other legislation or initiation before 2019 is really in order.

Of course, it's not just about the official records of registration. It's not so much the paper ballots, which can be validated. It's the electronic records of states and provincial offices, of course cybersecurity of political parties, and of course regulating bots on social media, which are not addressed in this bill. It's not just the advertising but also the systematic ways in which Russia has tried to influence, through social media, divisions in American society, divisions in Brexit, and divisions in other countries in Europe. All of those are very difficult issues to address because of freedom of expression, but they are things that obviously the government and Elections Canada should put high on its agenda.

The last point is about participation. Again, I think the ideas here are very important. For example, making sure that people who are younger are on the potential register for future elections and expanding accommodation for all persons with disabilities are both important. However, I think we still need some innovative suggestions. Remember, the participation in the last Canadian election was 68.5%. That's higher than in the United States, but amongst most countries we're talking about participation around 75%, or 80% in some European countries. Of course, in Australia we're talking about over 90%. Thinking about other ways to make voting more convenient while preserving security would, again, be a very welcome thing to add.

None of the things that I've suggested can be done before the next 2019 election. It's urgent to get this bill passed, and I recognize that. In future, though, to think about the electoral framework by law, to think about the security threats, and to think about further forms of participation would really strengthen, I think, and go along with the ideas that have been embodied in this report.

Thank you very much for the chance to give some thoughts on the bill.

● (1645)

The Vice-Chair (Mr. Blake Richards): Great. Thank you very much.

We'll now move to Ms. Nagy from Kelowna, former CEO of the Kelowna-Lake Country Green Party of Canada.

You have the floor now for your opening remarks.

Ms. Angela Nagy (Former Chief Executive Officer, Kelowna - Lake Country, Green Party of Canada, As an Individual): Thank you, and good afternoon. As the CEO of the Kelowna federal Green Party electoral district association, I served here in Kelowna from 2006 to 2015 and was subsequently the chief financial officer of the EDA in 2015 before resigning following the 2015 general election.

I'm pleased to see many of the proposed amendments to the Canada Elections Act, as they address some serious concerns that I raised before, during, and after the 2015 general election, which ultimately led to several complaints being filed with the commissioner of Canada elections. Although not a complainant myself, I provided evidence as part of the investigation that ultimately led to finding Dan Ryder guilty of contravening the Elections Act, for which he entered into a subsequent compliance agreement on May 4, 2018.

Dan Ryder was found to have contravened subsection 363(1) of the act by making a contribution to a candidate while ineligible to do so. This was a result of Green Party signs being purchased and used to support the Liberal Party candidate in the Kelowna—Lake Country riding, which I will explain in a moment. However, I continue to have significant concerns that paragraph 482(b) and potentially other sections of the act and other Canadian laws were violated. Paragraph 482(b) states that every person is guilty of an offence who "by any pretence or contrivance...induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate at an election."

I have evidence to support that indeed voters were suppressed and induced to vote or refrain from voting for a particular candidate in the 2015 general election due to a misinformation campaign that Dan Ryder and the local Liberal Party campaign knowingly started and continued to spread beginning in July 2015, in order to confuse voters and influence the outcome of the 2015 election.

I would like to take this opportunity to walk the committee through a condensed timeline of events and statement of facts that support this concern. In March 2015, Dan Ryder and his wife, Zena Ryder, took out memberships in the Green Party. Shortly after, as CEO of the local EDA, I began receiving correspondence from both of them regarding the idea that they had for electoral fusion or co-operation between the Green Party and the Liberal Party to defeat the Conservative candidate in the upcoming election.

Several months later, a nomination contest was held and the Ryders' straw man candidate, Gary Adams, was nominated based on a platform that he would withdraw from the race and publicly endorse and support the Liberal candidate in the name of the Green Party, with the public commitment to the membership of the Green Party in advance of the vote at the nomination meeting that he would seek approval from the Green Party of Canada prior to undertaking such an approach. This commitment was made after concerns were raised that this approach would be contrary to the constitution of the Green Party of Canada. Unfortunately, regardless of this commitment, the so-called co-operation agreement was officially announced to the media immediately following the nomination meeting, and from then on, a misinformation campaign ensued.

Ultimately, it was found that such an approach was indeed contrary to the constitution of the Green Party of Canada, and the Green Party of Canada disapproved of any endorsement of another candidate or party. Through extensive consultation and discussion, a compromise agreement was struck between the Green Party of Canada, the Kelowna—Lake Country Electoral District Association, the candidate, and his campaign team.

This agreement included the following provisions: The candidate would withdraw. There would be no Green Party support in any overt or official way for any other party or candidate. Any communications about this compromise would be jointly drafted, shared, and approved. No money would be spent by the EDA and no Green Party of Canada resources would be used in furtherance of another party's candidate. Unfortunately, every aspect of this agreement was disregarded. One hundred generic Green Party signs were ordered and positioned next to Liberal Party signs along major roads and on private properties to demonstrate some form of partnership. Several of these signs were used during public Liberal campaign events, photo ops, and "Burma shaving" to demonstrate some kind of official support by the Green Party for the Liberal Party candidate.

Several public statements were also made suggesting that there was indeed an ongoing partnership between the two candidates and parties. Ultimately, I would argue that these statements were fraudulent and intended to mislead or suppress voters. In McEwing v. Canada in 2013, the Federal Court concluded:

> In the context of the Act as a whole, the object of the Act and the ordinary and grammatical meaning of fraud, it is sufficient to show that a false representation has been made in an attempt to prevent electors from exercising their right to vote for the candidate of their choice.

What I have always been against from the very beginning of this issue is the perversion and manipulation of our electoral process and our democracy.

● (1650)

The Green Party of Canada has already made changes to its bylaws to prevent this kind of thing from ever happening again, and I strongly support clause 323 which amends section 481 of the act, which would help to prevent confusion amongst voters through the use of misleading information and material and would support the further strengthening and clarification of the language in this amendment.

To quote the remarks made by Mr. Marc Mayrand,, Chief Electoral Officer of Canada, on March 29, 2012, to the Standing Committee on Procedure and House Affairs at the House of Commons, "These are very serious matters that strike at the integrity of our democratic process. If they are not addressed and responded to, they risk undermining an essential ingredient of a healthy democracy, namely the trust that electors have in the electoral process."

Thank you.

The Vice-Chair (Mr. Blake Richards): Thank you for your opening remarks.

Colleagues, we're still having trouble, it appears, connecting to our other witness by video conference. I'm not holding out a lot of hope at this point, but they're going to continue to try.

I'll move us to our rounds of questioning, and if some miracle occurs and we're able to make the connection, we'll go to that witness at the first opportunity. If not, what we'll have to do is, if there is a future opportunity, we would maybe offer it and/or ask for a written brief from the potential witness. Hopefully, we'll get our miracle, but if not, that's what we'll do.

We'll move now to our rounds of questioning. Up first, I have Ms. Romanado for seven minutes.

Mrs. Sherry Romanado: Thank you so much, Mr. Chair.

Thank you to our witnesses for being here today.

My first question is for Ms. Nagy. Your testimony has been received, and from what I understand—I'm looking at a copy of the commissioner of Canada elections' compliance report in front of me—the compliance agreement was between Elections Canada and Dan Ryder, the official agent for the 2015 Green candidate.

I understand the compliance agreement clearly indicates that what occurred was deemed unintentional on the part of Mr. Ryder in his use of Green Party signs, and that, despite a complaint that a thorough investigation of almost two years by Elections Canada was undertaken.... I'm referring to information from the Canada elections commissioner to Mr. Ryder that in the end, the commissioner decided that the allegations were not supported by the available evidence and that, at that point in time, considerable resources had been expended already on the investigation. The commissioner felt that there was no reason to pursue this and that this person went into a compliance agreement with Elections Canada with regard to this.

I also understand that, based on the information that I have, you were aware of this agreement that had been very well communicated to the Green Party members in advance of the writ being dropped in August. The MOU signed by the Green Party membership regarding the agreement between the Liberal Party candidate as well as the Green Party candidate was something that was communicated very extensively to people. People were aware of the fact that this agreement had been put in place.

Even though you had some concerns, you yourself had, based on an email of September 14, 2015 to the Kelowna Green board, asked Elections Canada to confirm in writing if having generic GPC signs out with Liberal signs, given the underlying MOU, could get you in any hot water if any party wanted to charge you with inadvertently supporting the Liberal Party's campaign.

He had already clarified, as I believe someone did to you, that it was fine from Elections Canada's perspective if Liberal and Green signs appeared together because of our unique situation. I want to be extra sure that we can push back against criticism.

From what I understand, Elections Canada had communicated that this was fine by them, and maybe the rules need to be tweaked based on what happened, but at that time, from what I understand, you were instructed that it was fine to have both Green Party signs and Liberal Party signs at an event.

Subsequent to the election and a complaint, it was decided that a compliance agreement would be put in place and that it will be looked at going forward. Maybe that's the point of your testimony here today, to look into that, whether or not in such an agreement be put in place if it were to occur again in a subsequent election.

I wanted to clarify the record to make sure that we all understood that.

My next question is for Professor Norris.

Professor Norris, you talked about issues that you think we should address in Bill C-76. You talked about the legal framework, including mixed member proportional, gender quotas, cybersecurity threats, and participation.

Out of those that you talked about, in terms of Bill C-76, what would be the priority? We just heard from a previous panel, and cybersecurity is obviously something we're hearing a lot about right now. Obviously we all want higher participation rate, and I think in Australia, if I remember correctly, it's mandatory voting. Obviously, with mandatory voting, 90% is fantastic.

● (1655)

Mr. Scott Reid: No, it just shows that one in 10 didn't obey the law.

Mrs. Sherry Romanado: When I say mandatory voting is at 90% I'm happy it's higher than 60% here in Canada. Let me correct that.

I know the electoral reform committee came back with not putting in mandatory voting, so that might not be possible in our case. With respect to the other two issues you asked us to address, what would your recommendation be?

The Vice-Chair (Mr. Blake Richards): Witnesses, if you're asked a question by the members, you don't need my permission to answer. Feel free to go ahead. I'll let you know when your time is up.

Dr. Pippa Norris: Thank you.

Those are three different issues. Electoral reform is an incredibly difficult process and cannot be implemented anyway in the time you have before 2019. That's an issue I wanted to peg for future debate in Parliament and to think it through. Participation is a very long-term process, and I think some of the initiatives here, for example, allowing Elections Canada and the commissioner to engage in civic education and civic information is absolutely vital. I'm really pleased that's been restored.

One threat that I think absolutely has to be addressed is cybersecurity and fake news, one of the issues that we all know is being debated widely. For example, Germany very recently passed new legislation that made it the responsibility of the major social media platforms to monitor what was going on and where they were able to detect examples of Russian influence in particular. Social bots can be detected through technology to make sure that the media platforms are responsible for that and that they would be fined if, for example, they found instances of hate speech or other things. We know how divisive that was. The Russians essentially seeded information into the American campaign on both sides.

A lot of that information fuelled racial hatred either from those who claimed that the police were responsible or those who claimed the African American community was responsible. It's an incredibly difficult issue to monitor effectively but I think that's a danger for Canada as well. We don't want social intolerance, lack of social trust, and Canadian democracy to be polarized by foreign messages that aren't simply advertising.

As I read the bill, advertising for third parties, partisan advertising, is covered but these other forms of information communications aren't necessarily being covered, and that I would think Elections Canada or the broadcast regulators or other agencies should look into very hard.

● (1700)

The Vice-Chair (Mr. Blake Richards): Thank you very much.

We'll now move to Mr. McCauley for seven minutes for our next round of questioning.

Mr. Kelly McCauley (Edmonton West, CPC): Welcome, everyone.

Ms. Nagy, I wanted to explore a bit more about the compliance or the issues you ran into. Could you tell me a bit more of your thoughts about the interparty collusion that happened in the last election?

Ms. Angela Nagy: The main concern I have is that there was no endorsement of the memorandum of understanding by any official party, the members of the party in advance of the vote that saw Gary Adams nominated as our candidate. A commitment was made to the members at the nomination meeting that this concept of partnership and co-operation would be undertaken only with the consent of the Green Party of Canada.

Ultimately, after several months of negotiation and discussion, it was determined and agreed to by all parties that there would be no formal endorsement of any other candidate or any other party, but that continued to happen regardless of that agreement and commitment undertaken by all parties. Ultimately, that led to voters being confused, misled about what had happened and what was going on. They were led to believe there was a partnership between the Green Party of Canada and the Liberal Party when there was not.

Mr. Kelly McCauley: Do you believe it was unintentional, as commented on?

Ms. Angela Nagy: What may have been unintentional—and I agree—we both sought clarification from Elections Canada....

I raised several times that I believed we were contravening sections of the act, and I was disappointed when the feedback from Elections Canada was that the concept of using these signs was so interesting and they said you can use the signs. The fact that $700 or $800 was spent on 100 signs may have been an unintentional mistake that did not mean to contravene the Elections Act. This misinformation campaign to make it look like there was a partnership between the Green Party and the Liberal Party was 100% intentional and had been planned—

● (1705)

Mr. Kelly McCauley: The spending oversight was unintentional. The actual campaigning was—

Ms. Angela Nagy: Misleading of voters.

Mr. Kelly McCauley: Okay.

Do you think the issue needs to be addressed better by Elections Canada, or the act strengthened on this matter?

Ms. Angela Nagy: I was really excited to see clause 323 proposing to amend section 481 of the Canada Elections Act around misleading publications. That essentially refers to any form of communication that could mislead voters and that contains false statements. There were numerous false statements and numerous documents, including the use of the Green Party signs, that were strategically used to confuse and mislead voters.

Mr. Kelly McCauley: Right.

Do you think the compliance agreement is strong enough?

Ms. Angela Nagy: I don't. I actually believe that upon further investigation, it could be found that voters were misled.

What I understand from the letter I received from the commissioner of Canada elections was that a complaint regarding a violation of paragraph 482(b) would be difficult to prove, because it would require some form of an inquiry or a survey of voters to determine if voters indeed were confused about what was going on.

I believe that Elections Canada should investigate that further and determine if voters were confused. I have evidence, and I have witnesses who have raised concerns with me that they believed there was a partnership, and that influenced how they voted.

Mr. Kelly McCauley: Great, thanks very much.

Mr. Aylward, welcome.

I was teasing him earlier. I've been trying to track him down for two years to talk about Phoenix. Here you are in front of me, so I'd like to go to Phoenix now. No, I'm just kidding.

Congratulations on your election as president. I'm hoping you didn't use Russian influence to win that role.

PSAC spent about $390,000, I think it was, on the last election. A very small amount of it was an offset for, I think, labour in kind. The large amount, I think, was advertising goods. Do you have a breakdown of that?

Mr. Chris Aylward: I don't have an exact breakdown in front of me, but with respect to the $390,000, you're right. It was just a little over $390,000. A lot of it was spent on paying an external company —

Mr. Kelly McCauley: I saw that: Uppercut.

Mr. Chris Aylward: —to create materials and to place ads, which included billboards, and radio spots obviously. We created a micro-website as well, with videos, downloadable posters, and action letters, etc., for our members to use.

Mr. Kelly McCauley: I want to go back to Phoenix, because my life seems to revolve around Phoenix. Obviously, it's a big issue right now, and we've heard comments that it might be an election issue.

How do you think Bill C-76 is going to affect PSAC's ability to communicate to its members about, say, Phoenix being an election issue?

Mr. Chris Aylward: That's part of the presentation. What we can do is going to be limited under what's being proposed in the bill. We believe that it's not only our democratic right but our responsibility to be able to communicate to our members, many of whom—approximately 140,000 of the 180,000 we represent—are federal public sector workers.

Mr. Kelly McCauley: Okay, thanks.

I'm running out of time, so I'm going to pop over to Ms. Norris.

What do you think is the best way to stop foreign meddling in elections? We've seen, for example, the U.S. Treasury investigating Russia, and money going into Tides foundation, which has found its way into Canada. We have interference on two different fronts.

What's the best way to prevent this?

Dr. Pippa Norris: Thinking about foreign influence comes through many different mechanisms. Some of that is really the provisions that are going to be here on things like campaign spending and making sure there are regulations on third parties, if money is being challenged through third parties. It's often the case that you get other forms of influence coming in, as well as disinformation campaigns that are spread by Canadians or spread by Americans, which are seeded by international organizations, particularly Russia in the case of some of the most recent issues.

I don't think any government has a golden rule as to how you can address this, but we're certainly starting to learn. The European Union quite recently has produced a major report looking into this, involving cybersecurity experts and also people who are experts in political communication as well as people who are interested in campaigning, and they give some recommendations about how they think they need to protect European Union countries from these sorts of influences.

Similarly, the Department of Homeland Security came out in February with its report. I think we can learn from it. What you need is really a consortium of some of the best practices that are developing in campaigns across western democracies, as everyone is confronted with this issue. I think also the evidence suggests that the problem is not so much the vote, because of the influence of social media or direct attempts at hacking that have really turned the vote in some of the states in America. The problem is actually about social tolerance and the broader messages that these sorts of activities involve and the fact that the news becomes not credible, so you also don't believe public broadcasting and newspapers because of the climate of fake news that is so much surrounding you through social media.

The short answer is to learn from some of the other government reports. I'm very happy to send the committee the links to some of these that have recently come out from the European Commission and from others.

● (1710)

Mr. Kelly McCauley: Thanks very much.

The Vice-Chair (Mr. Blake Richards): Thank you.

You mentioned the links. If you want to share those with the committee, you can provide those to our clerk, and they can be distributed to the committee that way.

We have had a great occurrence happen that we have been able to.... It was a miracle, in my words. I guess I was a little too pessimistic. I don't predict well, apparently. I won't even tell anyone who I chose to win the election in Ontario today.

Mr. Nathan Cullen: The Rhinoceros Party.

Some hon. members: Oh, oh!

The Vice-Chair (Mr. Blake Richards): We'll see if another miracle occurs. Two miracles in one day might be too much to hope for, but we certainly did receive one.

We now have with us Leonid Sirota, lecturer at Auckland University of Technology. We've finally been able to patch him in. We'll go to his opening remarks now, and we still will have an opportunity for at least one round of questioning by each party.

Mr. Sirota, your opportunity is now.

Mr. Leonid Sirota (Lecturer, Auckland University of Technology, As an Individual): Thank you, Mr. Chair, and members of the committee. I'm terribly sorry for whatever has happened here. Thanks for having me.

I will start by commenting on one thing that Bill C-76 does, which is to lift restrictions on Canadians who are voting overseas, abroad, like me. Maybe this is special pleading on my part, but I will be happy to answer questions on why I think it's constitutionally a very commendable thing to do.

I will focus on the ways in which Bill C-76 continues or, indeed, increases some restrictions in Canadian election law on freedom of expression. Freedom of expression is central to the elections, and the elections are central to freedom of expression. This connection was recognized a long time ago by Canadian courts, well before the charter. F.R. Scott, the great constitutional scholar, once wrote that as long as the word "parliament" is in the Constitution, we have a bill of rights. That was the case before the charter, and yet no debate in Canadian society is as regulated as the one that occurs during election campaigns. Some of these regulations are important and necessary, some not so much.

I will focus on three particular restrictions on freedom of expression in Bill C-76.

The first of those is the definition of "election advertising". The bill continues from the existing Canada Elections Act. The problem I see with it is that the exemptions it provides for communications from individuals and groups apply both to individuals and groups so long as communications are through traditional media, newspaper editorials, and that sort of thing, but so far as the Internet is concerned, only personal communications by individuals are exempted from the definition of "election advertising" and not the communications of groups. I see no good reason for that distinction. I see no good reason that, for example, the president of a union can tweet under his or her own name, but not under the institutional account of that union. I see, again, no reason for this difference. I think the definition should be amended to be technologically neutral.

The second point is the pre-campaign communications that Bill C-76 would restrict. Those restrictions are not in the current Canada Elections Act. In the Harper case, where the Supreme Court upheld restrictions on third party communications during election campaigns, the court said that one reason restriction was acceptable in a free and democratic society is that political speech is not restricted except during election campaigns.

While some people have said the absence of regulations on pre-campaign communications is a loophole that needs to be closed, in my view, it's actually an important constitutional safeguard that must be preserved. The British Columbia Court of Appeal considered restrictions on pre-campaign communications twice, and both times said they were unconstitutional. Now, the laws at issue were not exactly the same as Bill C-76—they were broader—so I'm not making a prediction on how the Supreme Court would rule on what's in Bill C-76, but at least there is a non-trivial chance that Bill C-76 is unconstitutional.

More importantly, the issue is one of principle. The problem that restrictions on pre-campaign communications are supposed to address is not called a "three-month campaign". It's called a "permanent campaign". The problem is that three months will not be enough to remedy the so-called issue with a permanent campaign. My concern is that Bill C-76 is a first step on the road to long-term and perhaps permanent restrictions on political communications in Canada, and it's not a road that we want to walk.

The final point I want to address is the restrictions on third party communications, both before and during the campaign. The Supreme Court has upheld what's in the Canada Elections Act now, but that's just the constitutional baseline. That doesn't mean Parliament cannot be more protective of freedom of expression than the Supreme Court. It's important to remember who third parties are. It's a term of art in election law, but what does it mean? It just means civil society. It means individuals. It means unions. It means groups. It might mean the scary rich, but in the Canadian experience, for the most part, third parties that want to communicate during elections are mostly unions.

● (1715)

Some people, like Professor Tom Flanagan, have said, "Great. We want to curb those people's freedom of expression." I actually happen to agree with Professor Flanagan's dim view of unions. I don't agree with his view of freedom of expression. I think that whether or not we like people, they should be free to communicate.

The caps on third party spending in the Canada Elections Act now and those that will be under Bill C-76 are very low. They are less than 2% of what political parties are allowed to spend.

By comparison, in New Zealand, which is actually ranked higher in the transparency international corruption rankings than Canada is —it pains me as a Canadian, but there it is—the spending caps are at about 7.5%. This is a less restrictive regime. It's still a very low cap. There is no danger that third parties will interfere with communications by political parties themselves, but it's a more permissive regime than the one under Bill C-76.

The last thing I will note, also in relation to third parties, are the thresholds. For registration it is $500. As soon as you spend $500, you're required to register. Once you spend $10,000, you're required to submit to auditing. These rules are bound to be a deterrent to freedom of expression. They are very low thresholds. There is no reasonable chance that somebody spending $500, or even $10,000, is going to swing an election. They, as I said, are deterrents to public participation. These should be raised.

I will give you the figures by way of comparison. In New Zealand, the registration threshold is at about $12,000 Canadian. The reporting threshold for expenses, not auditing but just the report, must be filed once you spend about $90,000 Canadian. The electoral commission can require an audit, but nobody is obliged to submit to one.

Again, New Zealand does not seem to have a huge political corruption problem. It would be an example to at least consider it, maybe hopefully follow, in providing more room for members of a civil society to express this.

Thank you. I'm looking forward to your questions.

● (1720)

The Vice-Chair (Mr. Blake Richards): Thank you very much.

We'll now return to our rounds of questioning.

Mr. Cullen, for seven minutes.

Mr. Nathan Cullen: Thank you very much.

Mr. Aylward, did you want to react to Mr. Sirota's comment that he might not like unions, but he believes in your freedom to speak?

Mr. Chris Aylward: I don't share the dim view, obviously, on unions.

Mr. Nathan Cullen: That wasn't part of your election campaign?

Mr. Chris Aylward: No, it wasn't.

I certainly share the view that we shouldn't be restricted on our freedom to speak, and to speak on behalf of our members.

Mr. Nathan Cullen: Give me the scenario you're worried about.

To take that issue, Phoenix is, was, and sounds like it might even continue to be a big issue for a while. You go into the next campaign. You write to your members and say something about Phoenix; you share something on social media or your members, then, organize to have some sort of conversation with candidates about Phoenix.

Are you worried that your speech will be restricted to raise an issue-based campaign, under this bill as it's currently drawn up?

Mr. Chris Aylward: Yes, and I'm going to refer this to Ms. Ballantyne.

Ms. Morna Ballantyne (Special Assistant to the National President, Public Service Alliance of Canada): There's an issue of principle involved, but there are also issues of practicality.

If this law were enforced right now, first of all, we would have to try to interpret what is political activity, partisan activity, and what is partisan advertising. There's also the issue of surveys. If this law were passed, we would have to start tracking now all the activity that we're engaged in that might be considered at a later date to be partisan advertising or partisan activity.

Mr. Nathan Cullen: I see. That, I assume, would have a chill effect on—

Ms. Morna Ballantyne: It has a huge chill effect, and we saw that in the 2015 election.

Mr. Nathan Cullen: How did you see that?

Ms. Morna Ballantyne: What we got originally was a fair amount of confusion, first of all, on the point that was made about whether or not transmission of messages through the Internet or through social media was, in fact, advertising. It took a long time to get an interpretation. I don't know if it stands, because it's not in this bill, but the interpretation was that it wasn't advertising. For an amount of time we just stopped communicating in that way, because we were concerned it would be deemed to be advertising.

Our concern wasn't so much the financial limits, because—

Mr. Nathan Cullen: It's the interpretation of it.

Ms. Morna Ballantyne: It's the interpretation, and it's the chill, it's the tracking, and it's the fear of being in non-conformity with the law and what the consequences would be if we were found to have violated the law.

Mr. Nathan Cullen: The risk is not worth any potential benefit in being found out—

Ms. Morna Ballantyne: Yes, absolutely.

Mr. Nathan Cullen: That's the chill effect on freedom of speech.

Ms. Morna Ballantyne: Yes, especially when we got an interpretation that if we were to hold a rally.... Remember, we were in collective bargaining. A major issue, as we know, was sick leave. This was an issue that was clearly identified with a political party, but so were other political parties talking about the issue. We would have had to—

Mr. Nathan Cullen: Even the holding of a rally—

Ms. Morna Ballantyne: We couldn't have picket signs. We couldn't have banners that mentioned our main message and our main demand. Remember, we're a public sector union, and we are constantly making demands of governments. It's impossible to separate the issue of government from political parties: that is who government is.

Mr. Nathan Cullen: That's interesting. There's that crossover between what is government and what is a political party, and the ability to simply raise an issue, whether it's sick leave, as it was in this case, or a Phoenix issue, or, on an oil company's behalf, energy issues. The crossover between what is an issue against or countering the government and what has now become a partisan activity—

Ms. Morna Ballantyne: That's right.

Mr. Nathan Cullen: —is blurry enough that you think it would chill civil society or all third parties from speaking up.

Ms. Morna Ballantyne: We can't speak on behalf of all civil society—

Mr. Nathan Cullen: Well, from your perspective—

Ms. Morna Ballantyne: —but I can tell you and testify that it had a chill effect on our activity as a union representing and negotiating on behalf of members.

Mr. Nathan Cullen: I appreciate that.

Professor Norris, I have a question for you. Would your suggestion be that we move towards the German model with respect to accountability for Facebook and other social media platforms in terms of their responsibility, their culpability, in spreading disinformation?

Dr. Pippa Norris: I think it's a really important thing to look at the best practice, which is still developing and is still very new, and to look at it in terms of what the private sector is doing. For example, Facebook has many more employees in trying to monitor its own activities. For Twitter, ditto. New rules in terms of transparency and privacy have also been really critical for this, but it's really about trying to learn from different governments to see what can be best confronted—

● (1725)

Mr. Nathan Cullen: One of the questions that we're also talking about here is in terms of participation, and not just the participation of voters but also the diversity of those who seek to represent voters. A very good aspect of this bill is that child care costs, as I think you mentioned, can now be used as an election expense. You've also written about trying to get more women in particular into the system, which is what this primarily directed towards, I would estimate, but not necessarily.

I'll quote you here. You've said:

> There's a strong association between the type of electoral system adopted and the representation of women. Proportional representation electoral systems tend to have twice as many women in parliament than those that use first-past-the-post or single member plurality....

If you were forced to choose between provisions that exist within Bill C-76 and provisions that would, say, bring in the government's promise and bring in a more proportional system, and if the only lens you were looking through was greater diversity for our 75%-male-dominated Parliament, which would you choose?

Dr. Pippa Norris: Fortunately, it isn't a trade-off, as you know.

Mr. Nathan Cullen: Oh, good, You'd do both.

Dr. Pippa Norris: If you get more women and more minorities so that the Parliament looks more like Canada, that actually expands participation as well.

As you know, I started off with the two provisions, which really would both expand representation, one of which is electoral reform towards a mixed-member proportional system, which many other countries have now moved towards. It retains the virtues of first past the post and the constituency service, but mixes it with a proportional outcome. The second is legal gender quotas, which have been implemented in a hundred countries around world. Canada always used to be very positive in terms of female representation, but it has lagged behind. It's had fits and starts.

Both of those legal changes would be good, but you couldn't implement them by the 2019 election.

Mr. Nathan Cullen: Ms. Nagy, I was reflecting as you were telling your story about what happened in Kelowna. I was trying to recall when I saw signs being grabbed, and I saw it when I was an observer at the federal Liberal selection of Stéphane Dion as leader. People were grabbing other leadership signs and sticking them together to suggest that Bob Rae and Michael Ignatieff had formed a coalition, and other people were ripping the signs back from them.

Maybe what you observed was just a long tradition—

Voices: Oh, oh!

Mr. Nathan Cullen: —within a party to try to represent something that wasn't true through the simple usage of sign placement. It was quite amazing to watch. It was Liberal-on-Liberal violence and it was breathtaking.

I don't mean to diminish what you saw in Kelowna, but perhaps you'll take some comfort in knowing that it wasn't just done against the Green Party. Maybe there are equal-opportunity abusers of signs.

The Vice-Chair (Mr. Blake Richards): Mr. Cullen's time is up, Ms. Nagy, but if you do have a very brief response, feel free to respond. Make it brief, please.

Ms. Angela Nagy: Sure thing.

I do think it is a legitimate concern that in any riding or election, another party or candidate could use another party's signs or logo to suggest a partnership that doesn't exist in order to intentionally confuse voters.

The Vice-Chair (Mr. Blake Richards): Thank you. I appreciate your keeping it brief.

We have two questioners left. We'll have Mr. Graham for two minutes and then Mr. Reid for the last two minutes. That will wrap up this panel.

Mr. Graham, the floor is yours.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you.

Ms. Nagy, with regard to the investigation of the Green Party's activities in Kelowna—Lake Country in 2015, the investigation is closed and no findings were made against any of the parties. Is that correct?

Ms. Angela Nagy: That is not correct.

Mr. David de Burgh Graham: What findings were made against somebody else, and what investigation remains open?

Ms. Angela Nagy: The investigation is closed, but Dan Ryder was found to be in contravention of subsection 363(1) of the act.

Mr. David de Burgh Graham: That was deemed unintentional. The investigation is closed and the file is finished. If you have additional evidence, why was it not provided at that time?

Ms. Angela Nagy: Well, the letter I received from the election commissioner stated that the additional concern that had been raised by other complainants regarding inducing an individual from voting or to refrain from voting for another candidate would be difficult to prove. It doesn't mean it did not happen. It just stated that it would be difficult to prove.

I still have grave concerns with that, because "difficult to prove" and "factual" are two very different things.

Mr. David de Burgh Graham: I see.

Mr. Aylward, I have a question for you. On December 3, 2012, I was in Ottawa as a staffer at the time, and I saw a plane flying around Ottawa with a great big sign behind it saying, "*Stephen Harper nous deteste*". Do you remember this incident?

Mr. Chris Aylward: Yes.

Mr. David de Burgh Graham: Can you tell us a little bit more about that and what it cost PSAC? What happened to that airplane?

Mr. Chris Aylward: I can tell you what happened to the airplane. The airplane was basically taken down as a result of a request.

● (1730)

Mr. David de Burgh Graham: You shot down a plane over Ottawa?

Voices: Oh, oh!

Mr. Chris Aylward: No. It landed safely in Ottawa as a result of a request to land the plane.

As to exactly what that cost us, I don't know just off the top of my head. It was in the air for a short period of time.

Mr. David de Burgh Graham: Would you consider that third party advertising pre-writ?

Ms. Morna Ballantyne: Do you mean legally?

Mr. David de Burgh Graham: I'm asking for your opinion.

Ms. Morna Ballantyne: Under the existing law, it would depend on when the plane was flying—seriously—and it would seem that it would also depend on the exact wording of the banner behind it.

The other comment I would make, just to get back to some of the practicalities—I think as a committee you have a responsibility to figure out how this act could actually work—is the example of the PSAC. It's a very large organization, and decisions are made by different components with respect to how to represent their members and how to engage in political activity that would represent their members. A lot of these decisions don't get made centrally, and yet under the Elections Act we have a central responsibility to be able to track and report under this legislation between elections. That's one of our challenges.

The Vice-Chair (Mr. Blake Richards): Thank you.

We'll turn to Mr. Reid for our final two minutes.

Mr. Scott Reid: Thank you.

I have two questions, or possibly only one, for Professor Sirota.

First of all, Leonid, it's good to see you again. I want to dwell on what I think is the central theme of what you're drawing attention to, which is that there are a number of restrictions on Canadians' charter rights contained in Bill C-76. You mentioned voting by Canadians overseas and how this deals with a charter challenge that's under way right now.

I'll just observe that there are still Canadian citizens living overseas who will be exempted from voting. For those who were born overseas, I'm not sure that from a constitutional point of view I see the distinction that their charter rights are somehow inferior to those of their parents. I guess if you argue that the section 3 right to vote is subsidiary to or limited by section 1, then you can make that argument, but I don't think that's the direction in which the Supreme Court has been heading, given that it allows prisoners to vote and so on.

More substantially, I think you raised a really interesting point. If we are fighting against the idea that there is a permanent campaign, and we want to say as a society that we don't want there to be a permanent campaign, then, I think you're implying, we start heading down a slippery slope in saying that we have to restrict political speech further and further out from the actual election date versus the writ period. Then it's this pre-writ period that starts on June 30 that will inevitably be found inadequate after zillions of dollars get spent in the next election prior to June 30, and then we will see further restrictions.

Is there a danger that we're heading in the direction of seeing substantial restrictions on freedom of speech, or is that too much fearmongering?

The Vice-Chair (Mr. Blake Richards): Before you begin, Mr. Sirota, I'd ask that you try to keep it brief, because we have reached the end of the time for the panel here. Please give a response, but a fairly brief one, if you can.

Mr. Leonid Sirota: On the first question, I think it's a good point.

On the second question, yes, I think that's major. Now, whoever wants to do [*Technical difficulty—Editor*] is up to you and your colleagues in Canadian [*Technical difficulty—Editor*] in Parliament bringing forward, and also [*Technical difficulty—Editor*] putting an end to it at some point. I don't know where that point might be, so I think it's primarily your responsibility. Calls are made already to June 30 and up [*Technical difficulty—Editor*] and yes, I don't know as a matter of principle, [*Technical difficulty—Editor*] expression [*Technical difficulty—Editor*]

The Vice-Chair (Mr. Blake Richards): Okay, thank you very much.

Thank you to all of our witnesses for being here.

Mr. Sirota, we apologize that things didn't quite work out so that you could be here for the whole thing, but we're glad we were able to have you join us.

Thank you to all of you for your contribution.

We'll suspend briefly to set up for the next panel.

● (1730)

(Pause)

● (1735)

The Vice-Chair (Mr. Blake Richards): I call the meeting back to order.

We have our final panel of witnesses for today.

We are joined by Kevin Chan, who is head of public policy at Facebook. He is with us in the room.

By video conference, from Washington D.C., we have Michele Austin, who is the head of government, public policy and philanthropy at Twitter Canada; and Carlos Monje, director of public policy from Twitter. We are happy to have you both here.

Before we turn to the opening statements, I will mention that we have a couple of items here from Mr. Chan. We have his opening statement, with portions of it in each official language, but it is not translated so that we have the whole statement in both official languages.

If we want to distribute that, and also pass around a letter that he would like to have distributed that he received from the office of the commissioner of Canada elections, which is only in one official language, we would have to have unanimous consent.

Do we have unanimous consent?

An hon. member: No.

The Chair: There is not unanimous consent, so I will not be distributing that.

We will turn the floor over to Mr. Chan for his opening remarks.

Mr. Chris Bittle (St. Catharines, Lib.): Who said no?

Mr. Nathan Cullen: Sorry, I didn't see.

There is nothing on our witnesses—

The Vice-Chair (Mr. Blake Richards): Mr. Chan, never mind the confusion in the room, the floor is yours.

Mr. Kevin Chan (Global Director and Head of Public Policy, Facebook Canada, Facebook Inc.): Thank you very much.

Mr. Chair and members of the Standing Committee on Procedure and House Affairs, thank you for the invitation to appear before you today. My name is Kevin Chan, and I am the head of public policy for Facebook Canada.

I want to begin by acknowledging the importance of the subject at hand today, the integrity of our elections.

Facebook stands for bringing us closer together and building community, creating a healthy environment for civic engagement. It is crucial to our mission as a company. We know that a service that fosters inclusive, informative, and civically engaged communities is critically important to the people who use Facebook.

[*Translation*]

I want to point out that we know how vital a platform Facebook is for your respective political parties and leaders in engaging citizens, and that it is an important means of communication that Canadians use to contact you directly. The Prime Minister used Facebook Live last week to announce Canada's new tariffs on the United States.

The leader of the opposition recently took part in a question and answer session with Canadians via Facebook, and the NDP leader live-streamed on Facebook his speech at the recent Kinder Morgan rally on Parliament Hill.

We recognize that Facebook is an important tool for civic engagement and that is why we take our responsibility to election integrity on our platforms so seriously.

[*English*]

In Canada, we understand the degree to which Facebook is a key platform for your respective political parties and leaders as well as an important way for Canadians to engage directly with you. The Prime Minister used Facebook Live last week to announce Canada's new tariffs on the United States. The Leader of the Opposition recently engaged in a Q and A session directly with Canadians on Facebook. As well, the leader of the NDP live-streamed his speech at the recent Kinder Morgan rally on Parliament Hill.

We recognize that Facebook is an important tool for civic engagement, and that is why we take our responsibility for election integrity on our platform so seriously. We have been engaged on the issue of election integrity in Canada for many years. Following the last federal election in 2015, the Office of the Commissioner of Canada Elections noted that Facebook's "cooperation and swift action on a number of key files helped us to quickly resolve a number of issues and ultimately ensure compliance with the Canada Elections Act". It is our full intention to be equally vigilant in the next federal election in 2019. As referenced by the chair, a copy of the entire letter from the Office of the Commissioner of Canada Elections to Facebook has been sent to the committee for your consideration.

As you may know, the Communications Security Establishment published last year a report outlining various cyber-threats to the next federal election and identified two areas that Facebook sees a role in addressing: one, cybersecurity—the hacking into the online accounts of candidates and political parties; and two, the spreading of misinformation online.

In response, we launched last fall our Canadian election integrity initiative, which consists of the following five elements. First, to address cybersecurity, one, we launched a Facebook "Cyber Hygiene Guide" created specifically for Canadian politicians and political parties. It provides key information for how everyone who is administering a political figure or party's Facebook presence can help keep their accounts and pages secure. Second, we are offering cyber-hygiene training to all of the federal political parties. Third, we launched a new cyber-threat email line for federal politicians and political parties. This email line is a direct pipe into our security team at Facebook and will help enable quick response for compromised pages or accounts. Fourth, to address misinformation online, we have partnered with MediaSmarts, Canada's centre for digital and media literacy on a two-year project to develop thinking, resources, and public service announcements on how to spot misinformation online. This initiative, which we are calling "reality check", includes lesson plans, interactive online missions, and videos and guides that will promote the idea that verifying information is an essential life and citizenship skill. Fifth, we launched our ads transparency test, called "view ads" here in Canada last November. This test, which is ongoing, allows anybody in Canada to view all ads a page is running, even if they are not in the intended audience. All advertisers on Facebook are subject to "view ads", but we recognize that it is an important part of our civic engagement efforts. Candidates running for office and organizations engaged in political advertising should be held accountable for what they say to citizens, and this feature gives people the chance to see all the things a candidate or organization is saying to everyone. This is a higher level of ads transparency than currently exists for any type of advertising online or offline.

The "Cyber Hygiene Guide" and more information about these five initiatives can be found at facebookcanadianelectionintegrityinitiative.com. I have also circulated copies of the "Cyber Hygiene Guide" to this committee for your consideration. This is only phase one of our Canadian election integrity initiative, and we intend to launch additional measures to address cybersecurity and misinformation online in the lead-up to the 2019 federal election.

I want to also share with you some measures we have taken in advance of the Ontario election happening today. We conducted outreach to all Ontario candidate page administrators, sharing best practices to keep their accounts secure and ensuring that they have access to our cyber-threats crisis line. We sent an in-app notification to all Ontario candidate page administrators, which appeared at the top of their feed, reminding them to turn on two-factor authentication, and we launched a new MediaSmarts "reality check" public service announcement focused on how to access the validity of information online during a campaign. This video, which has been running since May 3, has been viewed more than 680,000 times. We will be rolling out similar initiatives for other provincial elections in Canada in the months to come.

With respect to Bill C-76, the elections modernization act, it is legislation that is about a broad range of election issues, many beyond the scope of Facebook. Bill C-76 does include a provision to require organizations selling advertising space to not knowingly accept elections advertisements from foreign entities. We support this provision.

● (1740)

Thank you again for the opportunity to appear before you today, and I will be pleased to answer your questions.

● (1745)

The Vice-Chair (Mr. Blake Richards): Thank you, Mr. Chan.

I will mention to the committee that with regard to the letter that I referred to, which we didn't have unanimous consent for, the clerk will have it translated for us and when it is translated, we'll distribute it. Obviously, it won't be today.

We'll now turn to Mr. Monje for opening remarks.

Mr. Carlos Monje (Director of Public Policy, Twitter - United States and Canada, Twitter Inc.): Thank you, Chair, for the invitation to appear today and for the opportunity to share our perspective.

My name is Carlos Monje. I'm the director of policy and philanthropy for Canada and the United States. With me is Ms. Michele Austin, the head of government, public policy, and philanthropy at Twitter Canada.

I apologize that we are not able to be with you today, though I was pleased to travel to Ottawa in January to brief Elections Canada and the Office of the Minister of Democratic Institutions on Twitter's approach to information quality, generally, and ads transparency, specifically.

Twitter connects people to what's happening around the world. One of the reasons people come to Twitter is that it is the best place to engage with and learn from political leaders and policy advocates. Twitter works with political parties across Canada to connect them with users, including through advertising.

We are committed to increasing transparency for all ads on Twitter, including political ads. In late 2017, we announced first steps in a series of changes on our platform to further promote freedom of expression, privacy, and transparency. Specifically, Twitter has launched a program to dramatically increase ads transparency. In addition to providing additional transparency for all advertising on the platform, we are piloting an effort in the United States to protect the integrity of our platform and our users by imposing additional eligibility restrictions and certification requirements on all advertisers who wish to purchase political ads.

We're going to increase awareness of paid political messaging by appending a visual badge on the face of paid political communications to make it clear when users see or engage with the political ad.

We're going to include disclaimer information regardless of the method of advertising—whether that's text, graphics, video, or a combination of those—in the most technologically practical way, and we're launching a political ads transparency centre that will provide users with additional details regarding the targeting demographics of each political campaign ad and the organization that funded it.

Once we have analyzed our U.S. experience with this pilot, and have made the necessary refinements, we will launch it to other markets, including Canada. There are ways in which digital communications are functionally and technologically different from ads placed on other media, including television, radio, and airplanes, as we heard in the panel beforehand.

We offer self-service to give advertisers control over what products they want to use on our platform and who sees them. Advertisers also create their own content. Often advertisers will use multiple advertising tools on the platform, using media like video or creating an emoji. Advertisers will often want to manage more than one @ handle associated with their brand. They want to work with multiple internal team members, with partners, with agencies, or with clients who also have access to that account. Advertisers often want to update or change content quickly as the campaign unfolds in real time.

Twitter supports the intentions of Bill C-76, the election modernization act. Twitter supports efforts to provide clear rules to advertisers who wish to purchase paid political communications on digital media and devices.

We ask the committee for some clarity, specifically around two clauses in the bill—clauses 282.4 and 491.2—which regulate how ads are sold and how the new rules will be enforced. These concerns include how "intent" and "knowingly" will be measured and proven with regard to hosting ads, how Elections Canada will enforce these changes, how suspicious activity will be reported, the ability of Elections Canada to act in real time, and misidentifying accounts of real users and how that will be remedied.

Twitter will need more time to complete our due diligence on the proposed changes and on how the platform will comply with them to host advertising, including by political parties.

In conclusion, Twitter is dedicated to and proud of our users' and advertisers' rights to speak freely. We also believe that giving users more context about political advertising is key to a healthier democratic debate. We look forward to continuing our work to improve our services and to working with you.

We look forward to your questions.

Thank you.

● (1750)

The Vice-Chair (Mr. Blake Richards): Thank you very much.

We will go right to those questions.

We'll start with Mr. Bittle.

Mr. Chris Bittle: Thank you so much, Mr. Chair.

I think, as for all of us around the table, that mine is a bit of a conflicted experience, because we're probably all on Facebook and Twitter and we see them as effective tools to communicate with our constituents—I've even communicated with them today, regarding questions that were answered on my posts—but there's a very dark side to both of your platforms and I don't know that either of your organizations has really done much to combat that.

I'll give an example—and I don't mean to focus on Facebook, because Twitter is just as complicit.

It's an experience that happened to me. I had a small group of white supremacists protesting outside of my office, but just a few of them. I made the mistake of calling them white supremacists on Facebook and the white supremacist community came down on me. I searched through the organizer's Facebook page and I came across a post he had. I don't want to mention the MP's name because I don't want to bring them into this debate. I know Facebook has received a copy of this ad and you gave me the glossy handbook of what to do with offensive content.

The ad had a picture of the MP, identified that MP as an immigrant, and this individual said, "Canadian sniper takes out a target at 3 km. No one can put a bullet in this douche canoes head? Seriously come on people". I clicked on that—someone calling on the assassination of an elected Canadian member of Parliament—and said that this really is offensive and that in the wide frame of what is free speech, clearly this is on the other side. I got a message back that, "This didn't violate our community standards". Then I sent it to the minister's office because I know the minister's office is in communication with Facebook, and that message continued.

If that doesn't violate the community standards of your organization, Mr. Chan, how can we trust you to engage in any of these promises that you're going to assist in preserving our democracy? It just seems that making as much money as possible is the goal, which is fine—that's what corporations do—but there doesn't seem to be any accountability back to the people that a newspaper would have or another organization would have.

I'll open the floor to you. It's not translated, and I know you've received a copy of it, but could you comment on this and about how we can trust your organization?

Mr. Kevin Chan: Thank you for the question, sir. I have to admit, since you didn't refer to it, I don't know specifically which piece of content this is, but if it is the one I'm thinking of, I believe you'll discover that it's no longer on the platform.

Mr. Chris Bittle: It's no longer on the platform. Is it because I'm a member of Parliament who's brought it through the minister's office, who has then brought it to your attention? No one has that level of access.

Following this—

Mr. Kevin Chan: So I—

Mr. Chris Bittle: Sorry. Let me finish.

Following that, as it didn't violate community standards, when the death threats started against me on your platform, I didn't bother reporting them. I reported them to the RCMP and corporate security, but why bother going through that exercise? If a call for assassination isn't a violation, why should I bother reporting the death threats to me? Both organizations are difficult platforms to regulate, and there doesn't seem to be a great deal of assistance. I know, Mr. Chan, that you have a plan to come up with a plan in phase two, before the next election, but where does that leave us? It's a very frightening thing. We've seen the results in Britain and in the United States, and see how divisive politics is becoming in all of our countries and the potential for foreign actors to be using that. I need more answers than, "We're going to come up with a plan".

● (1755)

Mr. Kevin Chan: May I, sir?

Mr. Chris Bittle: Yes, please.

Mr. Kevin Chan: With all due respect, I think what I just went through in my opening statement is more than just a plan. We are actually implementing things on the platform, including "view ads". When it was launched in November as a product whereby anybody can see all the ads that are running on Facebook, it didn't exist anywhere else in the world.

The Canadian election integrity initiative is not a plan. It, in fact, is implemented. We have done the same thing in Ontario— but let me return to that in a moment.

To answer your specific question, now that I have a copy of this in front of me, my understanding is that this content is no longer on Facebook. With respect to general content on Facebook, we are governed by a set of community standards that are universal in nature, and you can read up on that at facebook.com/communitystandards. The standards actually do, in fact, prohibit hate speech and bullying. They also prohibit things like the glorification or the promotion of violence and terrorism and things like that.

What I would say to you, sir, is that when people are actually confronted with content that may be in violation of the community standards...in fact it's designed so that anybody can report this stuff to Facebook. I would actually respectfully disagree that it's not who you know; it's actually just being able to report these things. That's the whole point of having a global platform. If they violate the community standards, then they violate the standards, and the content will be taken down. That's actually how it works.

I would say, more broadly speaking—and I think you alluded to it, sir—that the challenge with a distribution platform, obviously, is that we want to be very careful about giving people the opportunity to express themselves, to have a platform that is for all voices and yet be mindful of the frameworks of our community standards that will indicate or set aside certain things that are not permitted on the platform.

I understand that is, certainly in our experience, challenging. I think in terms of the people's ability to express themselves, it is very rarely black and white. I think there are a lot of grey zones. I think you're absolutely right that in terms of the enforcement of our community standards, that is a challenging enterprise. We have committed to hiring. We'll have 20,000 people, by the end of this year, on the team working on security issues like the ones you mentioned.

I would also say that we have deployed, already, in actuality, artificial intelligence technology to be able to better detect prohibited content and remove it at scale without human review. Obviously there is ongoing progress that needs to be made. I would never say that we are perfect, but we do take this very seriously. I just want to make sure that you and other members of the committee understand that we do take this very seriously and we've already invested significantly in these efforts.

The Vice-Chair (Mr. Blake Richards): Thank you very much.

We'll now move to Mr. McCauley for seven minutes.

Mr. Kelly McCauley: Thanks.

Welcome, everyone.

Mr. Chan, CBC ran an article, I think yesterday or even today, talking about 24 unregistered groups advertising on Facebook for the Ontario election, targeting parties and targeting candidates as well. These ads can obviously have an effect on the outcome of the election. I'm just wondering what Facebook is doing to co-operate with Elections Ontario regarding this.

It's funny, because I wrote up my question earlier today, and then I just got a note that anti-Doug Ford ads are actually going on today during the blackout on Facebook.

What are you doing with Elections Ontario? How are you coordinating with them to address this issue?

Mr. Kevin Chan: I would just say, sir, in general, that we do have relationships and open communication channels with electoral commissions around the world and in Canada—

Mr. Kelly McCauley: But, besides relationships, what are you doing actively to co-operate to address this issue?

Mr. Kevin Chan: To the extent that we receive requests from public authorities, such as Elections Ontario, about content on Facebook—

Mr. Kelly McCauley: Have they contacted you regarding the article?

Mr. Kevin Chan: To my knowledge, we have not received anything from Elections Ontario.

● (1800)

Mr. Kelly McCauley: Really?

Mr. Kevin Chan: Yes, sir.

Mr. Kelly McCauley: That's interesting.

Do you wait for them to reach out to you? I'm sure you've seen the article on CBC. Do you wait for Elections Ontario or Elections Canada to contact you, or do you proactively address these issues?

Mr. Kevin Chan: We do proactively address these issues. I want to be a bit careful because it's not really my.... I'm not the expert.

Mr. Kelly McCauley: No, and I realize it's a large company, and you're not physically taking things out.

Mr. Kevin Chan: Well, no, and I would also say I'm not specifically the expert on election law in Ontario. I'm sure you have read it, as I have, with interest, as well. I think further down there is a bit of an explanation for how advertising should work in the election in Ontario, and how and what obligations are on third parties to register—

Mr. Kelly McCauley: Right, and Elections Ontario has made a statement claiming these ads are not allowed, yet they're still popping up. That's why my question is, how are you co-operating? How are you working to ensure people are not putting up ads when they're not allowed?

Mr. Kevin Chan: Again, sir, I can get into specifically some of the new initiatives we're piloting in the United States, but, generally, as we have done—including at the time when the Commissioner of Canada Elections and Facebook Canada did work for the 2015 election—we obviously respond to investigative requests from public authorities.

Mr. Kelly McCauley: Okay. Do you keep a copy of all these ads somewhere and a database of who's buying these ads?

Mr. Kevin Chan: As I mentioned in my opening statement, we do have a new ad transparency feature, which, again, up until very recently was available only in Canada, in which individuals can see all the ads that are running, not just political ads, but all the ads that are running on Facebook in Canada at any given time.

Mr. Kelly McCauley: Do you keep a database of these ads?

Mr. Kevin Chan: In the United States in time for the mid-term Congressional—

Mr. Kelly McCauley: I don't mean in the States. I mean up here.

Mr. Kevin Chan: Well, if I may, sir, I just want to give you a bit of a preamble.

Mr. Kelly McCauley: I'm short on time, so I'd prefer to skip the preamble. Do you keep a copy of the ads that are being targeted up here?

Mr. Kevin Chan: Our intention is to roll out the archiving of ads around the world.

Mr. Kelly McCauley: Okay. How do you proactively ensure that election ads being purchased and used in Canada are not being paid for by foreign actors?

Mr. Kevin Chan: We are piloting a project, sir, in the United States, because there is an election coming up.

Mr. Kelly McCauley: Yes, I realize that, but if you're piloting it there, when will it be rolled out up here?

Mr. Kevin Chan: These measures will be rolled out around the world. Like "view ads", it was initially launched in Canada first so that we can understand how it works and get feedback from stakeholders. Then we can implement it globally. We are taking the same approach for the things that we are piloting in the United States. The way it works, sir, is that to understand and authenticate the individuals in question who are running advertisements, we require them to upload a government-issued ID. We then send an actual letter with a code to the residential address that they have provided. They use the code to authenticate their address and their identity. Then they need to also indicate on behalf of which organization they are running ads before they can even run a political ad. This is something, again, that doesn't exist anywhere else on the Internet. We just launched it a few weeks ago in the United States. We intend to roll it out around the world in due course.

Mr. Kelly McCauley: When will you do that in Canada, though? When you say in due course, do you mean six months or two years? Do you have any idea?

Mr. Kevin Chan: I would not, sir, presume to be able to give you at this time a definitive date, but our intention is to indeed roll it out around the world.

Mr. Kelly McCauley: Let me ask you just a quick question that's a bit off topic. It's about government advertising on Facebook. When people click on it, is any of the data there susceptible to people skimming off it to target...?

Mr. Kevin Chan: Do you mean people who are advertising on Facebook?

Mr. Kelly McCauley: No, I mean for government advertising on Facebook.

Mr. Kevin Chan: Oh, for government advertising, I don't believe so. No, sir.

Mr. Kelly McCauley: No? Okay.

Michele and—sorry, I forget your name, sir—Carlos—sorry—we've been ignoring you.

I have similar questions if you've been watching for Facebook. What is Twitter doing specifically to block trolls or block foreign advertising on Twitter for Canadian elections?

Mr. Carlos Monje: The challenges we face are extremely similar to Facebook's, but our platforms are substantially different. The effort to address misinformation and disinformation has to be multi-faceted and has to be focused on our being good at what we're good at, which is trying to stop manipulation of our platform and identify places where people are using malicious automation—the bots and trolls that you discussed—to try to hijack the conversation and kick people off the facts or what matters. It's about reducing visibility of that noise so the signal can go through.

Twitter is essentially a different platform from Facebook or YouTube in that the way people have conversations is organized around hashtags. We try to identify the credible voices on our platform—the eyewitnesses, politicians, journalists, experts—and make sure their voices carry further, and that their signal can break through the noise.

When it comes to things on the ad transparency centre, we are piloting a project that is for us, as a tech company, focused on at-scale on our platform. When we are dealing with 500 million tweets a day, trying to figure out the signal from the noise, to validate who is advertising and who is paying for it is a very analog process. It's a very high-touch process in which we, like Facebook, are requiring you, if you are registered with the Federal Election Commission in the U.S.—and I imagine there are similar circumstances in Canada—to give us that number so we can send you a paper form that you put into the platform that says you are an American. If you aren't registered and you're just excited about whatever election you're dealing with....

● (1805)

The Vice-Chair (Mr. Blake Richards): You're out of time. If you want to briefly wrap up what you are saying....

Mr. Carlos Monje: If you aren't registered, we have a very high-touch process and we'll send you a notarized form and you'll have to go to a notary. Then you'll have to give us a copy of your passport that validates that you are who you say you are and that you're a national. That will allow you to advertise on the platform.

Mr. Kelly McCauley: Thank you.

The Vice-Chair (Mr. Blake Richards): Thanks.

We'll move to Mr. Cullen now for the next seven minutes.

Mr. Nathan Cullen: Thank you, Chair.

Thank you to our witnesses for being here.

You can sense from the committee's questions the urgency with which we wanted to speak with both of your organizations. You're the face of this conversation in lots of ways. This committee is under quite a bit of time pressure, so hearing from you before terminating our study was important, and I'm glad you were able to make the time to be here.

When Facebook testified previously about Cambridge Analytica in front of a House committee, they noted that an app they used had been installed 272 times, but that 621,889 Canadians may have been affected. Does that sound about right to you, Mr. Chan?

Mr. Kevin Chan: I believe so, although I don't have the numbers in front of me.

Mr. Nathan Cullen: I assume Facebook notified those Canadians that they had been affected?

Mr. Kevin Chan: Yes, sir, we did.

Mr. Nathan Cullen: What is the recourse for those Canadians who had their data mined in this way, which we can say was certainly improper and probably illegal?

Mr. Kevin Chan: I'm not exactly sure what terms to use that would be accurate, but I think it is absolutely an abuse of our terms and conditions and our app policy. It is obviously under investigation in Canada by the Privacy Commissioner of Canada.

Mr. Nathan Cullen: I want to turn to Twitter for a moment in terms of buying ads. I have your form here. We printed it for my sake.

Does a human at Twitter see my application to buy an ad?

Mr. Carlos Monje: It depends on how much money you spend. If you're a political advertiser, though, we have to have a human look at your form.

Mr. Nathan Cullen: How much do you have to spend? What is the cut-off before a human puts eyeballs on an application to put an ad on your site?

Mr. Carlos Monje: A little more is involved than I can say in a headline, but essentially, if you're a political advertiser, you're going to have to fill out the form and get certified, and that's a very high-touch process that involves human—

Mr. Nathan Cullen: Sorry. Could we just define what a political advertiser is? I understand political parties, but how do you define it?

Mr. Carlos Monje: For a political ad, we're starting from the point—and it's not the end point where we would like to end up—that a political ad is advertising that mentions a candidate.

The industry is aiming for—and we're working with government experts, with academia, with partners, and also with MediaSmarts in Canada—how you identify and actually action an issue. Where is the line between a political issue ad versus a company that wants to talk about women's empowerment or gay rights issues? They're important issues, but they may not be political.

● (1810)

Mr. Nathan Cullen: Does this bill allow you to understand what a political ad is?

Mr. Carlos Monje: I think there is a degree of clarity in the language about what is and what is not.

In my conversations with Elections Canada, in January, I asked them, because I understood that it has been a standing law in Canada that indirectly advocating on behalf of a candidate is a very hard standard to apply.

Mr. Nathan Cullen: How many users a day, approximately, do you have in Canada?

Mr. Carlos Monje: We have 330 million monthly users worldwide. We'd have to get back to you, sir, on the exact number of users.

Mr. Nathan Cullen: Would it be several million?

Mr. Carlos Monje: I would say it would be at least that, yes. Canada is a very large market for us.

Mr. Nathan Cullen: Facebook would have how many daily users?

Mr. Kevin Chan: Daily, I don't have the stat, but monthly, it's 23 million.

Mr. Nathan Cullen: That is 23 million a month?

Mr. Kevin Chan: Correct. That's unique individuals.

Mr. Nathan Cullen: Both of those numbers far exceed what we call traditional media—newspapers, print—and they even exceed the numbers for television.

We have a series of rules that we've developed over time for those traditional media outlets when it comes to political advertising. Do you think the same rules should be applied to social media networks through this legislation as are applied to other news outlets, which both of you are? You're certainly platforms for news. More Canadians get news from Facebook and Twitter than they do from any other series of websites.

Mr. Carlos Monje: Speaking on behalf of Twitter, we do embrace the idea that our users should know who is paying for the advertising, especially when it comes in the political context.

In the conversations we've had, and in how we are communicating with governments around the world, we recognize that the online environment is different and that, for instance, Twitter is a character-limited platform. It used to be that we had 140 characters. Just recently it was bumped up to 280. Your standard political disclosure language is hard to squeeze in there.

The other complications are often very short videos.

Mr. Nathan Cullen: Here is my challenge. If anyone wants to see what hate speech looks like, I'd invite them to Jagmeet Singh's Twitter feed. Whenever he posts, you can just follow on down and give it about six or seven posts, and that's true for many diversity-seeking politicians in Canada.

You would never see that in the pages of *The Globe and Mail* or *The New York Times* in response to a story about a public figure, yet I can go on Facebook, or I can go on your site, and I just wonder why there is not equivalency in terms of the discourse and dialogue.

You guys have such powerful platforms. All of us around this table use them. We enjoy the exchange we can have with constituents, which is different from anything we've ever seen before. But the sheer volume of ads and conversations that are going through your sites on which there are no human eyes placed whatsoever....

We can narrowly define political ads if you want, but I'm not talking about those. I'm talking about the stuff Chris talked about. I'm talking about somebody posting false information about where you vote and can't vote, and just straight out lies, not even necessarily to push against one candidate, but just to disrupt people's faith in the process of democracy. That exists on both of your platforms. Up until this point, and I'd say up until the Cambridge Analytica scandal, most of your users were unaware of how dangerous this stuff is in the wrong hands.

I'm not sure that either company, and the many companies you own.... I'm looking at the size, particularly of Facebook with 2.1 billion monthly active users, and 1.5 billion daily mobile users. Messenger has 1.2 billion users. WhatsApp has 1.1. billion. Instagram has 700 million more.

CNN reports that you have 83 million fake profiles on Facebook right now, and I don't know if you even have the ability to do what we're asking under this legislation, and I think we actually need to do more than what we're asking under this legislation.

Again, should the rules apply that apply right now to current media in Canada, that we need to know the source of the ad and whether it was foreign or domestic, and should all of those ads be attainable somewhere for Canadians to put their eyes on?

I'll start with Twitter and then Facebook.

● (1815)

The Vice-Chair (Mr. Blake Richards): I'll have to ask that the answers be extremely brief because we are over time. You'll have to keep it very brief.

Mr. Nathan Cullen: Could you say that again? Sorry, I missed it, Michele.

Ms. Michele Austin (Head, Government, Public Policy, Twitter Canada, Twitter Inc.): Yes, we should be able to see all of those things. The kind of behaviour you are describing is not acceptable. We're very aware of that. We are working very hard on the health and behaviour of the platform to improve that. A violation of the terms of service that you're speaking of is something that we want to hear about, that users can file tickets and cases about, and that we are acting on in a much more aggressive way than previously.

Mr. Kevin Chan: I will say a few things, if I may, Mr. Chair.

The Vice-Chair (Mr. Blake Richards): Please try to keep it very brief.

Mr. Chris Bittle: I'll actually let you go into my time. I'm interested in hearing the answer.

The Vice-Chair (Mr. Blake Richards): There you go, then.

Mr. Kevin Chan: Thank you, sir.

One of the cornerstones of being on Facebook is actually our authentic identity policy, which you may be aware of. If you're a private user of Facebook, you'll know that typically a Kevin Chan or a Michele Austin or a Nathan Cullen would in fact be themselves on Facebook. We think that is actually the best way, the best first cut at trying to address this issue of being accountable for what you say. In most other places on the Internet, it's like the old *New Yorker* cartoon, where they say, "On the Internet, nobody knows you're a dog"—

Mr. Nathan Cullen: You have 83 million fake accounts.

Mr. Kevin Chan: I am not familiar with that number, but I would say that in our community standards, our transparency report that was just released, for Q1, we disabled about 583 million fake accounts, most within minutes of registration. The reason we're able to do that before any individual can actually find and report a fake account is that we're using artificial intelligence technology, a lot of which comes from the pioneering research in Canada. That is actually how we're able to apply machine learning and pattern recognition to identify fake accounts as they are registered on the platform.

I have one broader thing for the committee to consider. I think we were slow to identify the challenges emerging from the U.S. presidential election. I've said it before and I would like to reiterate that. When you look at subsequent elections in countries around the world—in France, in Italy, in the special election in Alabama, in the Irish referendum—these are places where we have applied the election integrity artificial intelligence tools against things like fake accounts. I'm pleased to say that while we're not perfect—and I would never say that—the phenomenon of fake accounts has not had a material impact on those elections.

I think we are getting better. I would never say that we're perfect, but we continue to refine our ability to proactively detect fake accounts and take them down. Again, I point you to the German election, for which independent studies confirmed that fake accounts did not play a role in the outcome.

Mr. Chris Bittle: I'll jump in here because I'm losing my time. It's been borrowed.

The Vice-Chair (Mr. Blake Richards): You do have four and a half minutes.

Mr. Chris Bittle: Thank you.

I'm still seeing, especially on Twitter, that you get followed by the person without the photograph, tom@tom36472942—

Mr. Nathan Cullen: Oh, he follows me, too.

Voices: Oh, oh!

Mr. Chris Bittle: Yes, exactly.

I guess I'm troubled. In terms of James Comey, I don't know what type of credibility he has, but he does know a thing or two about security and issues involving elections. He was in Canada recently and he said Canada is at risk. Again—and I think Mr. Cullen brought it up—it's not necessarily the political ads, and maybe next time around you guys will be great at fixing things like the Macedonian sitting in the basement. I went back to the page that I talked to Mr. Chan about. He mentioned that particular content wasn't up there, but there was the Prime Minister with his hand open and a Nazi flag on his hand. There was a post about Liberals in Britain wanting to turn Buckingham Palace into a mosque. This is the type of mean production that gets out there, and that is meant to divide us. It's on both sides, and I see it on both sides. It's not just a right-wing thing. It's not just a left-wing thing. You guys are going to be at the forefront of this. As a lawmaker and as a regulator, this frightens me, because you guys are so difficult to regulate due to your uniqueness.

I don't know. Can you comment on that? Are we going to be in a good place for 2019, given that there are experts telling us we should be worried?

● (1820)

Mr. Kevin Chan: It's hard to know. Sometimes I stare at the screen, and I'm not really sure who should go first or who should go second.

I will address the substantive on this challenge of addressing misinformation online in a moment, but I think it is incumbent on all of us to be very wary of—and I'm sure that's not what you intend, sir—what others may interpret as potentially some form of censorship of what people can say. I think that's something that we're very mindful of. We have taken an approach on misinformation that's a little bit different. I'm not sure that we want to be watching over our users—and I don't think users would want that—to be able to say that we authorize them to say this and we don't authorize them to say something else.

What we do is ensure that we are reducing the spread of misinformation on Facebook. We do this in three ways, three ways that I think are important when we try to understand what we've learned from the past few years.

The first thing, as it turns out, is that the majority of pages and fake accounts that are set up are actually motivated by economic incentives. These are people who create a kind of website somewhere. They have very little content—probably very poor, low-quality content, probably spammy content. They plaster the site with ads, and then they share links on platforms like Twitter, Facebook, and any other social media platform. It's clickbait, so it's designed to get you to see a very salacious headline and click through. As soon as you click through to the website, they monetize.

We've done a number of things to ensure that they can no longer do that. First, we are using artificial intelligence to identify sites that are actually of this nature, and we downrank them or prevent certain content from being shared as spam.

We are also ensuring that you can't spoof domains on our website. If you are pretending to sound like a legitimate website very close to *The Globe and Mail* or *The New York Times*, that is no longer possible using our technical measures. We are also ensuring that from a technical standpoint you're no longer able to use Facebook ads to monetize on your website.

The second thing we're doing is for the fake accounts that are set up to sow division, as you say, or to be mischievous in nature and that are not financially motivated. We are using artificial intelligence to identify patterns about these fake accounts and then take them down. As I said earlier, in Q1 we disabled about 583 million fake accounts. In the lead-up to the French and German elections, we took down tens of thousands of accounts that we proactively detected as being fake.

Then, of course, the last thing I should really stress which is very important in this is that we are putting in tremendous resources, and we are already implementing all these measures directly on the platform. I would say, of course, that at the end of the day the final and ultimate backstop is to ensure that when people do come across certain content online, whether it's on Facebook or anywhere else online, they have the critical digital literacy skills to understand that this stuff may actually not be authentic or high-quality information. That's where the partnerships that we have, such as with MediaSmarts on digital news literacy, are hoping to make an effort. I think public awareness campaigns are actually quite important. That would be the first element of what we're trying to do.

The Vice-Chair (Mr. Blake Richards): Thank you, Mr. Chan.

Mr. Monje, I'll give you a chance to respond as well.

Mr. Carlos Monje: The way you phrased that question means you understand the complexity of it.

I echo a lot of what Kevin just said, that we have similar approaches but very different platforms. I think what Twitter brings to our fight against disinformation, against efforts to manipulate the platform, and against efforts to distract people is to look at the signals and the behaviour first, and the content second. We operate in more than 100 countries, and in many more than 100 languages. We have to get smarter about how we use our machine learning, our artificial intelligence, to spot trouble before it kicks up and really causes challenges.

I think there are certain areas that are more black and white than the issues you guys have been focused on today. Terrorism is a great example. When we started putting our anti-spam technology towards the fight against terrorism, we were taking down 25% of accounts before anybody else told us about them. Today that number is 94%. We've taken down 1.2 million accounts since the middle of 2015 when we started using those tools. We've gotten to the point now where 75% of terrorist accounts, when we take them down, haven't been able to tweet once. Instead of content, they're saying, "Go do jihad". They're coming in from places we've already seen. They're using email addresses or IP addresses that we know of. They're following people who we know are bad folks.

I'm using that as an example of how when it's black and white it's easy, or it's easier. Another example of a black and white issue is child sexual exploitation. There's no good-use case on our platform for child sexual exploitation. Abuse is harder. Misinformation is a lot harder, but that doesn't mean that we're stopping. We are really taking a harder look at the signals that indicate an abusive interaction, such as when something isn't being liked, whether you're talking about it in English, French, or Swahili, and whether you're talking about contextual cues that we wouldn't be able to understand.

On the issue of disinformation in particular, we're doing a lot of the things that Kevin described. An important approach that we're taking in general, and one that we're very excited about, is trying to figure out how we measure these issues in such a way that our engineers can aim at them. Jack Dorsey, our CEO, announced an effort he's calling the health of the conversation on the platform. That circles around four issues. Do we agree on what the facts are, or are fake facts driving the conversation? Do we agree on what's important, or is distraction taking us away from the important issues? Are we open to alternative ideas? This means is there receptivity or toxicity? That's the opposite of it. Then, are we exposed to different ideas, different perspectives? I think we're already pretty healthy about that on Twitter. If you say that cats are better than dogs, you're going to hear about it from your friends and from others.

We've gone out to researchers around the world and said tell us how we can measure; tell us what data we have and what data we need, and then we can measure our policy changes, our enforcement changes, against those.

Right now, we measure the health of the company on very understandable things. How many people do we have? How many monthly users do we have? How much time are they spending on the platform? How many advertisers do we have and how much are they spending? Those are important things for the bottom line for Wall Street. For the health of the conversation on Twitter, which is why people come to Twitter, it's to have a conversation with the world and figure out what's happening.

If we can get those numbers right, we can measure changes. We can do A/B testing against it, and we think we have the best engineers anywhere. We think if we give them a target to aim at, we can get to these really, really, really difficult gnarly issues that have a lot of black, white, and grey in between.

● (1825)

The Vice-Chair (Mr. Blake Richards): Thank you.

We're pretty well getting to the end of our time, but we did start a few minutes late, so I'm going to allow just one more round. It will be five minutes with Mr. Reid.

Mr. Scott Reid: Thank you, Mr. Chair.

I just want to say—and this is not a question, but a statement—that I think any reasonable legislator expects the best efforts from groups like Facebook and Twitter, as opposed to perfection. In the interest of collective humility for members of this committee, I think that the Government of Canada is, after all, the organization that brought the world Canada Post, the Phoenix system, and the long-gun registry, so perhaps expecting perfection from others.... Canada Post had its annual Christmas mail strikes back in the 1970s and 1980s, for those of us with long memories. Perhaps expecting perfection from others is not entirely reasonable. What is reasonable is expecting best efforts.

My impression is that the fundamental problem you guys face is that you're in a kind of arms race with regard to artificial intelligence. You're trying to develop AIs to spot issues that are being generated by AIs themselves, with the purpose of fooling real people. Just a few days ago, I had the chance to sit down with my 23-year-old stepson and his girlfriend, who were watching a fascinating documentary about how people are trying to cause advertisers to be fooled into thinking that they are hitting real eyeballs by creating fake videos to maximize the number of hits when the name Spiderman or Elsa is clicked on. There were some other names, too—some very interesting video names like Spiderman, Elsa, Superman, and on it goes.

What I'm getting at is that there is a desire to stay ahead, but I don't think it's reasonable at all to expect one to go beyond and achieve a zero level. Is that unreasonable, or is it the case that there are some places where you can achieve perfection in blocking these things?

● (1830)

Mr. Kevin Chan: You're right that the threats are always evolving. As I mentioned a moment ago, I think we were slow as a company to spot the new types of threats that emerged out of the U.S. presidential election. Since then, we have spent significant resources and significant time, and have hired—we're doubling our security team—to try to address these things.

AI is going to play a huge role in that. At scale, with 23 million people, and 2.2 billion people around the world using our service, you're right that if everybody posts just one time a day, that is, by definition, 2.2 billion pieces of content. AI will allow us to use automation to identify bad actors.

You're absolutely right that we cannot guarantee 100% accuracy. It goes the other way, too, sir. I think what you're alluding to is that we want to be very careful about the false positive scenario, in which you accidentally take down things that are legitimate content and that don't violate community standards. We do have to be very careful about that.

I do want to assure you—and we have said this in other places as well—that while we are certainly dedicating a lot of resources, staff, and time to addressing these concerns that we know about, we are obviously also looking ahead to identify threats that we think are emerging, to get ahead of this, so that we are on top as electoral events happen around the world.

Mr. Scott Reid: Thank you.

For our guests from Twitter, rather than giving a second answer to the same question, you made reference to clause 282.4 of the legislation, titled "Undue influence by foreigners". You had a proposal, but it wasn't exactly clear to me what it is you're proposing. Could you run through that again?

Ms. Michele Austin: Yes. That's the section that says where you do not knowingly allow foreign advertisers to advertise. The question is around the definition of "knowingly". Our concern is with regard to how that will be interpreted and how that will be enforced in real time.

If you're talking about documentaries, Mr. Reid, there's an excellent one called *Abacus: Small Enough to Jail*, which talks about how, during the financial crisis, a small Chinese bank in New York was jailed because it was the most accessible, rather than the big banks. Our concern is that someone is misidentified or falsely identified, or that something has not been flagged for us in an appropriate way. Therefore, we end up having to defend the actions of some Turkish spam army in Canada, which seems unreasonable.

Mr. Carlos Monje: If I could only add, going back to your previous.... You're 100% right. We're not going to be 100%. We have to keep on fighting the new fights, not just fighting the old fights. It is in our financial interest to get this right. It is in our bottom line interest to make sure that, when you come to Twitter and you click on an ad, it's who it says it is. We want to be in a position to be actively looking for this stuff and taking it down. In our conversations with governments around the world, it's important to understand having a safe harbour for good faith efforts to police the platform and do it well.

The Vice-Chair (Mr. Blake Richards): Thank you.

Thank you to all three of our witnesses for being here today and for the thoroughness of your responses. We appreciate that. That does bring this meeting to a close.

We'll reconvene on Monday at—

● (1835)

Mrs. Sherry Romanado: I just want to get clarity that Mr. Chan mentioned there are 23 million unique Facebook users per month. Is that in Canada?

Mr. Kevin Chan: That's correct.

Mrs. Sherry Romanado: I just wanted to clarify that. Thank you.

The Vice-Chair (Mr. Blake Richards): We will reconvene on Monday at 3:30.

With that, the meeting is adjourned.

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